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ABSTRACT

The components presented in this document are general and specific recommendations for improving instruction about the Constitution, including revised versions of the seven conference papers. The papers are: "Society's Expectations for School Instruction about the Constitution: An Historical Overview" (R. Freeman Butts); "What Youth Know and Believe about the Constitution" (Karen S. Dawson); "What Adults Know and Believe about the Constitution" (Peter F. Nardulli); "Mandates on the Constitution" (Charles J. White); "Treatment of the Constitution in American History Textbooks" (John J. Patrick); "Treatment of the Constitution in Civics and Government Textbooks" (Richard C. Remy); and "Treatment of the Constitution in School-Based Non-Traditional Programs" (Mary Jane Turner). The document includes a list of conference recommendations. (BZ)

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Teaching About the CONSTITUTION in American Secondary Schools

Project '87

Howard D. Mehlinger, Editor

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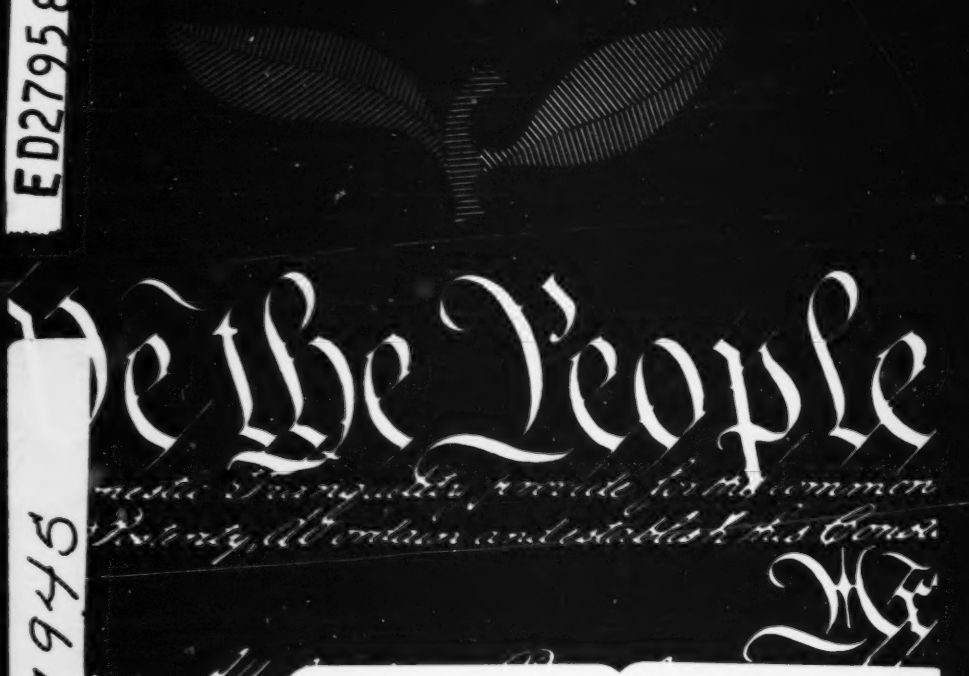

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TEACHING ABOUT THE CONSTITUTION IN AMERICAN SECONDARY SCHOOLS

Edited by
Howard D. Mehlinger

for
Project '87
Sponsored Jointly by
The American Historical Association
The American Political Science Association

Teaching About the Constitution in American Secondary Schools

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Funding for the Conference was provided by a grant from the William and Flora Hewlett Foundation to Project '87. The grant has supported Project '87's initial planning for a program to enhance education on the American Constitution and constitutional issues.

Seven persons accepted responsibility for preparing papers dealing with aspects of the conference theme. The authors were: R. Freeman Butts, Karen S. Dawson, Peter F. Nardulli, John J. Patrick, Richard C. Remy, Mary Jane Turner, and Charles J. White. The five discussion groups were chaired by Lynda Falkenstein, Mary Hepburn, Margery Kraus, Charles Quigley, and Paul Schneller. The discussion leaders were also responsible for summarizing the ideas from each discussion group and presenting recommendations at the final plenary session. They were assisted by rapporteurs: Rochelle Ganz, Tom Kattau, Robert Lombard, Lynn Nelson, Mary Soley, and Charles White.

Eve Russell, Administrative Secretary for the Social Studies Development Center, served as conference secretary and has contributed importantly to completing this volume.

These people contributed in significant and identifiable ways to the success of the conference. Obviously, the real success of any meeting rests upon the quality of the participants and the merits of their ideas. In this regard we were particularly fortunate. I am grateful to all of these people for the opportunity to serve as conference chairman and editor of this volume.

Howard D. Mehlinger

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PREFACE

This volume contains the results of a conference on "Teaching the Constitution in American Schools," conducted at Indiana University, Bloomington, from October 28-31, 1980. Commissioned papers and recommendations prepared by the conference participants are presented here.

The conference was sponsored by Project '87 and the Indiana University Social Studies Development Center. A grant to Project '87 from the William and Flora Hewlett Foundation provided support for the conference. Project '87, a joint project of the American Historical Association and the American Political Science Association, aims to focus national attention on the American Constitution by taking advantage of the forthcoming bicentennial observance of the Constitutional Convention. Project '87 was established in 1976. In its first phase it mainly supported scholarly research on the Constitution and constitutional processes. It is now undertaking programs aimed at improving instruction about the Constitution in schools and colleges and will soon launch information programs for adults. The Social Studies Development Center is an on-going social studies curriculum research-development-dissemination center co-sponsored by the School of Education and the College of Arts and Sciences at Indiana University. Since its founding in 1968, it has hosted many projects designed to improve social studies instruction in elementary and secondary schools.

The 1980 conference had two main purposes:

1. To assess the status of teaching about the Constitution in American secondary schools, and
2. To offer recommendations for needed programs and activities that are based upon assessment findings.

The conference represented Project '87 s first step in its effort to influence instruction about the Constitution. Project '87 expects to use many of the ideas generated by the conference participants in planning its program for elementary and secondary schools.

Thirty-four invited participants from all parts of the nation attended the three-day meeting. (A list of the participants is in the Appendix.) The participants represented a wide-range of interests and constituencies. Some were constitutional scholars; others were specialists in teaching about law, government, and the Constitution in American secondary schools; still others represented federal or state educational agencies. Specialists in teacher education, experts in television instruction and representatives of professional associations completed the group.

Because the conference participants were deliberately selected so as to represent a range of background and experience, the conference was planned so that people might gain a common base of information that would offer them somewhat equal footing while at the same time taking advantage of their very different perspectives. The "common base of information" was provided by seven background papers prepared by specialists and circulated to the participants prior to their arrival in Bloomington. Formal presentation and discussion of each paper were interspersed with discussion groups. The participants were divided into five discussion groups, each group containing approximately seven members. Membership in a particular discussion group changed from one discussion session to another, enabling the participants to encounter the wide range of views represented at the meeting. The discussion group met five times. Each discussion session focused on a particular question, e.g., "what should federal and state agencies do to encourage better instruction about the Constitution?"

This book has two components: the first contains revised versions of the seven papers presented at the meeting; the second presents recommendations for improving instruction about the Constitution. The volume should appeal to many different readers. Social studies teachers, curriculum planners, teacher educators, and textbook editors who are concerned about the attention given to the Constitution in school instruction will find the volume especially valuable. Those who expect to take special notice of the bicentennial of the Constitution, e.g., heads of educational agencies and foundations and journal editors, should find much helpful information. And social scientists who are engaged in political socialization and political education research and development will be particularly interested in the ideas presented in the seven commissioned papers.

Project '87 exists to promote interest in, information about, and knowledge of the U.S. Constitution. The goals of the 1980 conference will have been served if this volume stimulates readers to renewed activity on behalf of instruction about the Constitution in American schools.

Howard D. Mehlinger

TABLE OF CONTENTS

Acknowledgements iii

Preface v

1. Society's Expectations for School Instruction About the Constitution: An Historical Overview 1
by R. Freeman Butts

2. What Youth Know and Believe About the Constitution 29
by Karen S. Dawson

3. What Adults Know and Believe About the Constitution 45
by Peter F. Nardulli

4. Mandates on the Constitution 63
by Charles J. White

5. Treatment of the Constitution in American History Textbooks 89
by John J. Patrick

6. Treatment of the Constitution in Civics and Government Textbooks 107
by Richard C. Remy

7. Treatment of the Constitution in School-Based Non-Traditional Programs 129
by Mary Jane Turner

8. Conference Recommendations 141

Appendix: Conference Participants 153

SOCIETY'S EXPECTATIONS FOR SCHOOL INSTRUCTION ABOUT THE CONSTITUTION: AN HISTORICAL OVERVIEW

R. Freeman Butts

Introduction

The subject of this paper has turned out to be much more complicated—and interesting—than one might suppose. The matter of "society's expectations" involves complex motivations and intents that lie behind the words and the arguments concerning educational policy. Motivation and intent are slippery, ambiguous concepts for historians to sort out, as revisionist movements of recent decades illustrate. And "society" in the singular gives an impression of monolithic consensus which, despite two centuries of schoolbook rhetoric, is belied by the continuing controversies over the meaning of the Constitution beginning with the Constitutional Convention debates and the *Federalist* papers themselves. "Society" in the United States has not been all of one piece whether one thinks of Madison's "factions" or De Tocqueville's "associations of a thousand kinds."

Thus, the urge to promote the study of the Constitution in the schools very often arose when individuals or interest groups believed that such instruction would benefit themselves, or tend to prevent some threat to the unity or the stability of the society at large. The prevailing view of the meaning of the Constitution at any particular time had a great deal to do with the expectations for school instruction. And as the interpretations of the Supreme Court played an increasing role in defining the meaning of the Constitution, the temptation and the tendency throughout most of our history could be summed up as follows: If the Supreme Court was supporting a view of the Constitution which favored "us," then ask the schools to teach the Constitution; if it did not, then teach something else. Seldom, until recent times, did specific groups in the society want the schools to deal with con-

troversial interpretations or changing interpretations of the meaning of the Constitution.

When Washington declared in his final message to Congress in 1796 that the education of youth in "the science of government" was of the highest importance in a republic, did he (or Hamilton, who approved the speech) mean to embrace Jefferson's strict construction views? When Jefferson wanted the professors at the University of Virginia "to expound the principles and structure of government" to their students, did he mean this to include support for the Marshall Court's views of judicial review? Did Charles Sumner want the Dred Scott decision to be the accepted teaching in the schools? Did the Southern white legislatures want a Radical Republican view of the 14th Amendment taught in their schools? Did the NAACP want a *Plessy v. Ferguson* view of the 14th Amendment taught in the schools? Were the "expectations" for school instruction about the Constitution expressed by the American Bar Association the same in the 1920s as they were in the 1970s? To ask rhetorical questions in this way may serve to illustrate the difficulties of simple generalizations about expectations.

This paper then must be simply an "overview" of what is a most complex and subtle subject. To do it justice would require the cooperative efforts of a variety of scholars whose combined expertise should range across political, constitutional, and intellectual history, constitutional law, the history of education, political socialization, and the historical sociology of group interests. I believe that such an enterprise could make an extremely valuable contribution to the coming decade of civic education in the schools. Meanwhile, this paper consists principally of impressions and generalizations based upon the sources to which I have had access. It will readily be seen that it is not a piece of original research based upon primary sources. It may, however, have the advantage of stimulating discussion and emphasizing the need for much more careful and sophisticated pieces of research than any that have yet been available to me.

I. "The Constitution Enthroned" (1790-1890)

In his illuminating study of 1935,[1] H. Arnold Bennett uses the apt phrase "The Constitution Enthroned" to describe the first century of teaching about the Constitution in schools and colleges. The phrase not only signifies that the Constitution played the most important part in virtually all texts written on civil government for the schools, but also reflects the overt tone of respect and even adulation for the document as the symbol of national legitimacy to which all citizens owed allegiance, loyalty, and devotion. With the removal of the British crown as the symbol of legitimate sovereignty, the Constitution came to play a comparable role in establishing a common symbol of identity for the new republic. I believe it is fair to say that this was a common theme among the vast majority of those who argued for teaching about the Constitution in the schools. In 1790 there was a widespread common enthusiasm, not to say exhilaration, for the new Constitution.

The early blush of enthusiasm for teaching about the Constitution is illustrated by the two winners of the American Philosophical Society's prize

essay contest on the best system of liberal education adapted to the genius of the new republic. Both were generally Jeffersonian in their political orientations. Samuel Harrison Smith argued that students in his proposed system of secondary schools should have it as their duty "to commit to memory and frequently to repeat the Constitution and the fundamental laws of the United States." Samuel Knox referred repeatedly in his essay to "our happy Constitution" which should form an integral part of "a well-digested, concise moral catechism." This catechism would have three parts: natural theology, the first principles of ethics, and a third and last part which should "inculcate, concisely, the principles of jurisprudence; the nature of civil government, containing a short historical view of the rise and progress of its various species and particularly that of the federal government of these states."[2]

However, the interesting thing is that when the textbook writers came along they seemed to have a particular view of the Constitution which they believed should be enthroned in the teachings of the schools. For example, Bennett and Rolla Tryon agree that the first textbook on civil government to be published in the United States (1796) was avowedly written by a staunch New England Federalist in order "to stem the rising ride of the Jeffersonian democracy" by instructing youth in the genuinely sound principles of the Constitution.[3] This "Plain Political Catechism" by Elhanan Winchester may not have been widely used in the schools, but there is no doubt that Noah Webster's *American Spelling Book* was widely used. The edition of 1798 contained not only a "Moral Catechism" on such virtues as humility, mercy, justice, truth, charity, and frugality but also a "Federal Catechism" containing a short explanation of the Constitution and the principles of government. In this catechism Webster makes a good deal of the objections to aristocracy and the defects of democracy in contrast to the advantages of a representative republic.[4]

Webster stated good Federalist doctrines to combat some of the tenets of Jefferson's "creed of our political faith, the text of civic instruction" which he had stated in his inaugural address of 1801. These included: "the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General government in its whole constitutional vigor; . . . a jealous care of the right of election by the people; . . . absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force. . . ."[5]

Whether the differences of interpretation of the Constitution between the broad construction of Federalists and the strict construction of Republicans ever came to the front in school instruction about the Constitution is doubtful, especially in view of the "catechetical" approach whose prime purpose was to inculcate the "truth" without question or debate. Bennett estimates that about one-fourth of the texts on civil government in use in the 19th century used the question and answer method which lent itself to rote memorization of the text.

A later common approach, presumably approved by the teachers as well as the textbook writers, was a "clause by clause" method of explication of the wording of the several sections of the Constitution. This obviously em-

phasized the formal, structural description of the agencies of the federal government as contained in the Constitution. Relatively great attention was paid to the separation of powers and checks and balances with relatively little attention to the Bill of Rights. Virtually no attempt was made to criticize or explain changes in interpretation over time or deal with the fundamental controversies that so often threatened to tear the nation apart, from the growing debate and conflict over the limits of federal power and states rights, to the Kentucky and Virginia Resolutions, the Missouri Compromise, extension of slavery to the West, the Compromise of 1850, Dred Scott, and the Civil War itself and Reconstruction.

Little teaching about controversial interpretations of the Constitution can be found in the textbooks, although the onset of the Civil War did bring some considerable attention to the preservation of the Union. Apparently the vast majority of American "society" was willing for the schools to teach the wording of the Constitution and the clause-by-clause description of the formal structure of the federal government so long as the life and death struggles over its practical application to national politics and the national economy were not obviously involved. A certain amount of information and unswerving loyalty to the Constitution, no matter what diverse opinions might be held about its meaning, seemed to be the major expectations of most citizens, whether early Federalist or Republican, interim Whig or Democrat, or later Republican or Democrat.

A first-hand examination and analysis of the many textbooks on civil government (which I have not been able to do) would probably lead to a conclusion that studying or reciting the sections of the Constitution was a very dull exercise. Why should this have been so in a period when the politics of the day were so often virulent and violent? It may be that, in general, schooling was *expected* to be dull, formal, systematic and bookish. So study of the Constitution would be no exception. But it also may be that the differences of opinion were so often so great among different sectors of the population that few were willing to trust teachers or school textbooks that seemed to be taking sides on controversial political issues. Nevertheless, considerable knowledge about the Constitution and constitutional issues must have been disseminated by the schools. For example, the Lincoln-Douglas debates attended by thousands of farmers on the Illinois prairies surely assumed the ability of people to follow complex constitutional arguments.

Meanwhile, the number of textbooks on civil government and the Constitution continued to grow. Bennett and Tryon differ as to the number of such texts, but both agree that the vast majority were written from a Federalist or a Unionist point of view, that several were written in the 1830s to counteract a tide of individualism and states' rights emerging from the Jacksonian democracy, and some in the 1840s and 1850s to stress attachment to the Union in the face of Southern secessionist arguments prior to the Civil War. For a thoroughgoing analysis of what the textbooks revealed concerning society's expectations for teaching about the Constitution, the content of the texts would have to be judged in the light of each author's other writings and political and economic views. For example, Joseph Story's compendious *Commentaries on the Constitution of the United States* published in 1833 were abridged by him in an edition for the schools in 1840. As an emi-

nent former justice of the Supreme Court in the Marshall tradition his views were widely viewed as authoritative. Yet, President Jackson viewed him as dangerous and declined to appoint him as Chief Justice to succeed Marshall. Story thereupon "retired" to Cambridge and proceeded to become a major architect and founder of the Harvard Law School.

The conclusion of this discussion is, I believe, that despite the continuing political debates and controversies and even warfare over the nature of the Union and the Constitution, little controversy touched classroom teaching about the Constitution—at least on the surface. Americans wanted the schools to prepare citizens in general but not to indoctrinate children with the tenets of any particular political party, faction, or association. A very common "solution" is illustrated by the proposals of perhaps the most influential of all spokesmen for the public schools in the middle of the 19th century, Horace Mann of Massachusetts.

None was more eloquent than Horace Mann himself on what he candidly called "political education." Summing up his conclusions on twelve years as secretary of the State Board of Education in Massachusetts in 1848 Mann began with the assumptions of the founders that citizens of a Republic must "understand something of the true nature of the government under which they live." He spelled out the civic education program in terms which will sound familiar to all teachers of civics since that time:

> . . . the Constitution of the United States and of our own State, should be made a study in our Public Schools. The partition of the powers of government into the three co-ordinate branches,—legislative, judicial, and executive,—with the duties appropriately devolving upon each; the mode of electing or of appointing all officers, with the reason on which it was founded; and, especially, the duty of every citizen, in a government of laws, to appeal to the courts for redress, in all cases of alleged wrong, instead of undertaking to vindicate his own rights by his own arm, and, in a government where the people are the acknowledged sources of power, the duty of changing laws and rulers by an appeal to the ballot, and not by rebellion, should be taught to all the children until they are fully understood.[6]

Caught in the swirl of contesting forces in Massachusetts occasioned by the immigration of Irish and Germans of Roman Catholic faith,, by the changes in urban life attendant upon the industrial factory system, Mann knew all too well that "if the tempest of political strife were to be let loose upon our Common Schools, they would be overwhelmed with sudden ruin." He recognized that many would object to *any* study of political matters in the schools because the Constitution is subject to different readings. Mann could not admit that the public schools should avoid political education altogether, nor could he risk the destruction of the public schools by urging them to become "theatres for party politics." His solution was similar to that which he proposed for the religious controversies: the schools should teach the common elements that all agreed to, but skip over the controversial.

> Surely, between these extremes, there must be a medium not difficult to be found. And is not this the middle course, which all sensible and judicious men, all patriots, and all genuine republicans, must approve?—namely, that those articles in the creed of republicanism, which are accepted by all, believed in by all, and which form the common basis of our political faith, shall be taught

> to all. But when the teacher, in the course of his lessons or lectures on the fundamental law, arrives at a controverted text, he is either to read it without comment or remark; or, at most, he is only to say that the passage is the subject of disputation, and that the schoolroom is neither the tribunal to adjudicate, nor the forum to discuss it. . . .[7]

Thus would Mann stress the consensus values of the political community, but pass over controversial ideas about the actual operation of the system. Knowledge in school should concentrate upon the formal structure of the government institutions; but the skills of political participation should be delegated, along with controversial issues, to the non-school agencies of party, press, and caucus of adults.

So, on the surface, the schools would not become "theatres for party politics," but the fact remains that the textbook authors very largely—and quietly—helped to shape what Mann argued "all sensible and judicious men, all patriots, and all genuine republicans" must approve. Avoidance of controversy over instruction about the Constitution might seem like a curious stance for one to take who had battled long, vigorously and publicly with fundamentalist clergymen over religious instruction in the public schools, with conservative schoolmen over matters of pedagogy and who was already engaged in the debates in the U.S. House of Representatives as an uncompromising Whig abolitionist. But what better "solution" was there to meet the "expectations of the society" about school instruction in the Constitution? Few could think of a better.

By midcentury some people began to turn to legal requirements for study of the Constitution. Prior to the Civil War six states passed laws requiring U.S. history in the public schools as a means of building loyalty and patriotism; California was the only one that specified teaching the Constitution (1851). In the four decades following the Civil War some 20 states passed laws requiring U.S. history and several Northern states specified the Constitution (Vermont, Wisconsin, Maine, and Colorado); during the early years of Reconstruction several Southern and border states did likewise (Missouri, West Virginia, Maryland, Arkansas, and South Carolina).

What the legislators expected was probably not much different from what the National Teachers Association (later NEA) resolved unanimously at their meeting in 1863 in the middle of the Civil War:

> Whereas, in a Democratic Government, wherein the people are, of necessity, the sovereigns, it is indispensable to the prosperity and perpetuity of such government that these sovereigns, the people, understand the principles of said government, and
>
> Whereas, the exigencies of the times, demand the highest intelligence, the purest patriotism, therefore,
>
> *Resolved,* 1. That it is imperative, that the History, Polity and Constitution of our Government be taught in all our schools, wherein the maturity of the pupils is equal to the subjects.
>
> *Resolved,* 2. That this Association earnestly recommends this subject to the attention of teachers, trustees, and committeemen, throughout the nation.
>
> *Resolved,* 3. That this teaching should never be prostituted to the inculcation of merely partizan (sic) sentiments and principles.[8]

This surely typified the "expectations" for teaching about the Constitu-

tion by a vast majority of the public as well as the profession: understanding of constitutional principles, patriotism, and non-partisanship. That the response of schools and teachers was less than overwhelming was illustrated by the fact that in the 1880s only some 5 to 10 percent of high school students in Ohio were enrolled in courses in "civil government." Those who *were* enrolled probably spent most of their time on the Constitution and national government, since typical textbooks devoted anywhere from 70 to 85 percent of their pages to those topics. In coming decades the number of students who were exposed to civil government and civics would rise dramatically and the attention to the Constitution would drop drastically.

II. The Constitution Diminished (1890-1920)

Toward the end of the 19th century and in the opening decades of the 20th century the "expectations" for the teaching of the Constitution in schools were increasingly influenced by professional and academic organizations whose committee reports helped to shape the textbooks and the pedagogical concerns of the schools. Before 1900 the curriculum committees of the National Education Association stressed history rather than civil government with relatively little mention of the Constitution in the latter. Meanwhile the increasing number of textbooks on civil government (some 120 published between 1890 and 1920) promoted by the American Political Science Association began to downgrade study of the Constitution in favor of the study of local governmental and social problems, summed up in the new term "community civics."

Academically-minded educators tended to dominate the secondary school curriculum in the 1880s and 1890s. Their impact was to expand and stiffen the study of history (and thus reduce the emphasis upon civil government) by introducing more rigorous scholarly knowledge into the history texts and courses. In 1892, the Madison Conference on History, Civil Government, and Political Economy made proposals which became a part of the overall re-examination of the entire secondary school curriculum undertaken by the Committee of Ten of the NEA whose report was published in 1893 as a Bulletin of the U.S. Bureau of Education and in 1894 by American Book Company.

Hailed by the president of the National Education Association as "the most important educational document ever published in the United States," the report of the Committee of Ten dealt with nine subject matter fields pertaining to the secondary schools. The order of listing was not insignificant, reflecting the predominantly collegiate and academic concerns of the overall Committee as well as those of the nine subcommittees:

1. Latin
2. Greek
3. English
4. Other Modern Languages
5. Mathematics
6. Physics, Chemistry, and Astronomy
7. Natural History (Botany, Zoology, Physiology)

8. History, Civil Government, and Political Economy
9. Geography

To one who is looking for attention to the Constitution in secondary school teaching the hierarchy of studies proposed by the Committee of Ten in its model courses is clear:

(a) The social studies rank much lower than the languages, mathematics, and the sciences.

(b) Within the field originally called History, Civil Government, and Political Economy, the attention to history is by all odds predominant.

In fact the Madison Conference which drew up the report on these subjects recommended that political economy *not* be treated as a separate subject in the secondary school, and that civil government by and large should be treated historically. This left instruction about the Constitution largely to history. In fact, throughout the Conference's report the usual terms became "history and kindred subjects," or "history and allied subjects" or "history and related subjects."

The predominance of an historical outlook is explained in part by the composition of the Madison Conference. Four members were historians: Charles K. Adams (European history), president of the University of Wisconsin and chairman of the Conference; James Harvey Robinson, European historian at Pennsylvania; Albert Bushnell Hart, American history at Harvard, secretary of the Conference. In addition they were counselled by two of Wisconsin's most noted historians: Frederick Jackson Turner, American history; and Charles H. Haskins, European history. Three members represented political science and political economy, including a Princeton professor by the name of Woodrow Wilson. Three members were secondary school headmasters of principals.

Agreeing with the committees of all the other subjects, the Madison Conference argued that there should be no distinction in the aims or content of history and kindred studies for those students who were going on to college and those who were not. The purposes were a strong intellectual discipline for future citizens, namely, to ". . . broaden and cultivate the mind; . . . counteract a narrow and provincial spirit; . . . prepare the pupil in an eminent degree for enlightened and intellectual enjoyment in later years; . . . and . . . assist him to exercise a salutary influence upon the affairs of his country."[9]

The Conference came back to this theme time and again:

". . . history and its allied branches are better adapted than any other studies to promote the invaluable mental power which we call the judgment."[10]

But it also gave a passing bow to history as "the best training in patriotism," and even very important for "moral training." But the training of the judgment was above all its finest role in the preparation of citizens:

> To sum up, one object of historical study is the acquirement of useful facts; but the chief object is the training of the judgment, in selecting the grounds of an opinion, in accumulating materials for an opinion, in putting things together, in generalizing upon facts, in estimating character, in applying the lessons of history to current events, and in accustoming children to state their conclusions in their own words."

Thus, the Conference recommended that history and kindred subjects ought to be studied in every one of the years of the grammar school (grades 5-8) and of the high school (grades 9-12). Attention to civil government is specified in U.S. History in the seventh grade and again in U.S. History in the eleventh grade. While oral teaching of biography and mythology could dominate grades 5-6, systematic history should be taught thereafter:

Grade 7—U.S. History
Grade 8—Greek and Roman History (with their oriental connections)
Grade 9—French History (medieval and modern)
Grade 10—English History
Grade 11—U.S. History
Grade 12—A year of intensive study of a special topic or period

Whether the eminent historians of the Madison Conference ever really expected the schools of the nation to give so much attention to chronological history is uncertain, but they nevertheless made the case for history's prominent role throughout the middle and upper grades of common schooling. The overall Committee of Ten, however, could find room in their models for no more than six to ten units out of a total of eighty during the four high school years.

When it came to civil government as such, the Madison Conference found that not more than one grammar school in six offered such study, but possibly one high school in three did so. In most cases civil government consisted of a textbook studied during part of a year and seldom associated with history. And the Conference did not, for whatever reasons, think it necessary to recommend precise grounds to be covered by civil government. It simply mentioned that several approaches could be made: start with local government and proceed outward to the national government; or begin with the most attractive aspects of national government such as the post office, army, or navy; or associate practical ethics or rules of conduct with government.

The Conference contented itself by urging that the teaching of civil government be made more practical and functional than the rote memorizing or clause-by-clause analysis that seemed to be encouraged by most of the civil government and Constitution manuals produced prior to 1890. It resolved that

> . . . civil government in the high schools should be taught by using a text-book as a basis, with collateral reading and topical work, and observation and instruction in the government of the city, or town, and State in which the pupils live, and with comparisons between foreign and American systems of government.[12]

Again, with rather obvious reference to the textbooks that treated the Constitution in great detail, the Conference summed up its views on civil government as follows:

> Your Conference . . . would express the belief that the theoretical questions of government, such as the origin and nature of the state, the doctrine of sovereignty, the theory of the separation of powers, etc., are very difficult to teach to children. . . . On the other hand the simple principles underlying the

> laws which regulate the relations of individuals with the state, may be taught by specific instances and illustrations; and the machinery of government, such as systems of voting, may be constantly illustrated by the practice of the communities in which the children live.[13]

It seems clear to me that the predominant tilt of the Conference was not only toward studying civil government and thus studying the Constitution as a part of history, but within civil government itself to stress the values of sending children to observe local, and possibly state, governments in action, to visit local courts and city councils and to engage in mock town meetings and legislatures as well as encouraging them to create papers on the local institutions about them.[14] In any case, systematic and sustained study of the text of the Constitution was not high on the agenda of the Madison Conference or the Committee of Ten.

This early alliance between the academic enthusiasts within the National Educational Association and those within the recently organized American Historical Association (1884) served the purpose of promoting history in the school curriculum as a prime agency for preparing good citizens.[15] Citizenship training, we recall, was the original purpose for the study of civil government and especially of the Constitution. But, now, the claims upon the curriculum being made by the "new" and more "modern" studies such as history and the sciences, not to speak of more practical and vocational studies, led to a squeeze that in effect was going to make it harder and harder for explicit and formal study of the Constitution to maintain itself.

For two or three decades the academic orientation of the Committee of Ten report dominated curriculum thinking and curriculum making in the civic education programs of the secondary schools. Powerful support came from the historical profession itself in a series of committee reports sponsored by the American Historical Association around the turn of the century. Probably the most important of these was the Committee of Seven, appointed in 1896 and reporting in 1899.[16] There was much continuity with the arguments and views of the Madison Conference, especially through the memberships of A. B. Hart and C. H. Haskins. This time the American historians were more evenly balanced with the European historians: three American historians (Andrew C. McLaughlin of Michigan, chairman, along with Hart and Herbert B. Adams of Johns Hopkins) and three European historians (Haskins, Lucy Salmon of Vassar, and H. Morse Stephens of Cornell).

The Committee of Seven reaffirmed the importance of "historical thinking" as a basic preparation for citizenship and the special value of studying civil government from an historical point of view, but it moved closer than the Madison Conference had done to giving special treatment to civil government as a formal study in its own right. The general goals were clear:

> . . . the most essential result of secondary education is acquaintance with political and social environment, some appreciation of the nature of the state and society, some sense of the duties and responsibilities of citizenship, some capacity in dealing with political and governmental questions, something of the broad and tolerant spirit which is bred by the study of past times and conditions.[17]

In view of the deep interests in political and constitutional history of McLaughlin, Adams, and Hart it is not surprising that the study of political ideas and institutions should play a leading role:

> In the study of American history it is especially desirable that the development of the political organizations be clearly brought forth. Nothing should be allowed to obscure the leading features of our constitutional system. The pupil must see the characteristics of American political life and know the forms and methods, as well as the principles of political activity. He must have knowledge of the ideals of American life, and must study the principles of American society as they have expressed themselves in institutions and embodied themselves in civic forms.[18]

The Committee proposed a continuous series of courses each a year long in the four years of high school:

1. Ancient History
2. Medieval and Modern European History
3. English History (with considerable emphasis on political and constitutional institutions)
4. American History and Civil Government

When it came to the fourth year the Committee reaffirmed the value of studying history and civil government together, but it did allow, somewhat reluctantly, that it might be advisable to give special attention to the study of civil government and the Constitution if the best of circumstances obtained:

> In any complete and thorough secondary course in these subjects there must be, probably, a separate study of civil government, in which may be discussed such topics as municipal government, state institutions, the nature and origin of civil society, some fundamental notions of law and justice, and like matters; and it may even be necessary, if the teacher desires to give a complete course and can command the time, to supplement work in American history with a formal study of the Constitution and the workings of the national government. But we repeat that a great deal of what is called civil government can best be studied as a part of history. To know the present form of our institutions well, we should see whence they came and how they developed. . . .[19]

The key to the Seven's emphasis upon history as an agent for civic education was that it developed the art of *historical thinking* among pupils more than *historical investigation.* This was a disapproval of a movement that had appeared in the 1890s to stress analysis of documents and the use of primary sources as a means of training pupils to search for historical materials, weigh evidence, and draw conclusions. In place of this "source method" the Seven preferred a good textbook that would clearly show sequence and relationships, after which documents like the Constitution and the Declaration could be studied. But too often the study of actual documents was admitted to be dull and unrewarding. In any case, American history textbooks of the era and thereafter almost universally carried the text of the Constitution and some considerable narrative concerning its origin and basic ideas during its framing and adoption. It was usually treated with utmost deference and respect.[20]

But the historians could not keep civil government largely to themselves

and to the study of history. An AHA Committee of Eight on history in the elementary schools conceded in 1910 that there should be a separate civics course in the eighth grade; and their Committee of Five later admitted that special treatment should be given to civil government in the twelfth grade course, recommending two-fifths of the year to government and three-fifths to American history.

The pressures from outside as well as from within the academic profession were building to give separate and special attention to the study of government apart from history, although these pressures did not necessarily result in *more* explicit attention to the Constitution. In fact, a combination of rising professional aggressiveness on the part of the new American Political Science Association (1903), the political reform measures promoted by the National Municipal League (1901), and the progressive educational and social reform impetus in the National Education Association were all involved.

Soon after it was organized in 1903, the American Political Science Association became interested in the teaching of political science in the lower schools. A report of 1905 gave details on what 238 students in ten universities had learned in high school about government. Based on a scale of 100 the students made the following average scores on these test items:

> Explain how members of Congress are chosen and state what you know about their terms, qualifications, and compensation. Twelve percent correct.
>
> Write a brief account of the federal courts. Two percent correct.
>
> Describe clearly the process by which the Constitution of the United States may be amended. How may it be interpreted? Five percent correct.
>
> Outline the government of a county in your state. Nine percent correct.
>
> What is meant by the New England plan of township government? Six percent correct.

These "startling" and "shocking" results—which ought to make the results of the National Assessment tests in 1976 sound a little better—prompted the APSA to appoint a Committee of Five on Instruction in American Government in Secondary Schools. Its report of 1908 argued for formal study of government in separate half-year courses in both the eighth grade and the twelfth grade: "The emphasis in the grammar grade work on government should be on local and State governments and should deal with actual projects, activities and methods of doing things rather than consist of a mere collection of lists of officers and their salaries or an analysis of the constitution."[21]

With regard to secondary school textbooks the recommendations seemed to criticize earlier texts on civil government as well as the historians' Committee of Seven:

> 1. Avoid the book that consists of clauses of the Constitution with comments thereon.
>
> 2. Avoid the book that is in large part historical or an attempt to correlate history and government in one course.
>
> 3. Avoid the book that gives the larger portion of its space to the national

government and relegates the State government with its rural and urban subdivisions to a few general chapters.[22]

These were exactly the recommendations that dozens of textbooks on community civics began to follow. Another committee of APSA (also a Committee of Seven) reporting in 1916 continued to argue that the standard courses on civil government should be enlivened. Instead of starting with or emphasizing the study of the U.S. Constitution, giving a description of the formal and structural organization of government, and then proceeding to a similar study of state constitutions and governments, the procedure should be reversed. The Committee endorsed the study of "community civics" assuming that political affairs nearest to home were the most important and should be considered first.

Furthermore, the aim of civic instruction should not be to study abstract theories or the machinery of government, but to enable pupils to promote community welfare and recognize their personal responsibility through civic action.[23] Of course, the Committee admitted, attention must be given in the high school to government organization, the separation of powers, the Congress, and the Executive Department, but the main goal should be to relate these to the *functions* of state and local as well as the national government. Study of government should be functional, not formal.

The Committee was much impressed by a questionnaire survey conducted by the U.S. Commissioner of Education which showed that most teachers of civics gave at least half their time to the national government—largely because most of the government texts did—although most teachers believed that there was too much time given to the formal study of the national government. The teachers seemed to want more practical and local materials.

As might be expected, the 1916 Committee set forth strong claims for more separate and explicit courses in government. For the junior high school there should be a course in community civics stressing community welfare: health, protection of life and property, recreation, education, beauty, communication, transportation, migration, wealth, charity, and correction. For the high school there should be a full-year course in the social sciences (exclusive of history) and at least half of this should be devoted to civil government with emphasis on local affairs. In the nine pages of topical suggestions for the senior high school civics course, six and a half pages were devoted to the state and local governments, two and a half pages to the federal government, of which a half page concerned the Constitution.[24] By means of these "reforms" the Committee believed that citizensip education would be hugely improved.

A second outside force pushing for separate government courses was the progressively-inspired National Municipal League founded in 1901. The League promoted the idea of community civics through a series of committees and reports during the early decades of the century. By 1913 a Committee on Civic Education became exceedingly active, and it established a close cooperative relationship with the U.S. Bureau of Education. Arthur W. Dunn,[25] a leader in the League's committee, was appointed as a special agent on civic education in the Bureau. A series of civic Education Bulletins issued in 1913 and 1915 were designed to coordinate and promote the ef-

forts of many civic associations throughout the country which had been agitating on behalf of a better education for citizenship.

In the first two decades of the 20th century the percentage of students in high schools taking courses in "civil government" declined while the percentage taking "community civics" increased. There was wide agreement that this shift to "civics" with diminished attention to the formal study of the Constitution was a good idea.

A third force for change in the content of citizenship teaching came from the NEA under the auspices of the NEA's Commission on the Reorganization of Secondary Education (whose final report, *Cardinal Principles of Secondary Education* was published in 1918) a Committee on Social Studies worked from 1913 to 1916 preparing a report for the Commission. In a preliminary statement in 1913 the chairman of the Committee, Thomas Jesse Jones, a sociologist, revealed the intent to make civics much more than a study of government:

> Good citizenship should be the aim of social studies in the high school. While the administration and instruction throughout the school should contribute to the social welfare of the community, it is maintained that social studies have direct responsibility in this field. Facts, conditions, theories, and activities that do not contribute rather directly to the appreciation of methods of human betterment have no claim. Under the test the old civics, almost exclusively a study of Government machinery, must give way to the new civics, a study of all manner of social efforts to improve mankind. It is not so important that the pupil know how the President is elected as that he shall understand the duties of the health officer in his community. The time formerly spent in the effort to understand the process of passing a law over the President's veto is now to be more profitably used in the observation of the vocational resources of the community. In line with this emphasis the committee recommends that social studies in the high school shall include such topics as the following: Community health, housing and homes, public recreation, good roads, community education, poverty and the care of the poor, crime and reform, familly income, savings banks and life insurance, human rights versus property rights, impulsive action of mobs, the selfish conservatism of tradition, and public utilities.[26]

In the final report of the Committee the term "social studies" was used to include not only history, civics, and government but also concepts from sociology and economics which relate directly to the organization of society and man as a member of social groups. History still held a major place in the course proposals for grades seven through twelve, but a "problem approach" was to infuse the whole program. Civics was proposed for the junior high school years as well as a new course in "problems of democracy" for the twelfth grade.

While the general impact of the final, overall Commission Report in the *Cardinal Principles* of 1918 was great indeed in making citizenship one of the cardinal goals of secondary education, especially of the social studies, and while it tended to reduce emphasis upon abstract academic material in favor of live problems, it also tended to reduce the *political* concerns of civic education in favor of practical social and economic problems. Note the withdrawal from "constitutional questions" in the pursuit of good citizenship:

> While all subjects should contribute to good citizenship, the social studies—geography, history, civics, and economics—should have this as their dominant aim. Too frequently, however, does mere information, conventional in value and remote in its bearing, make up the content of the social studies. . . . Civics should concern itself less with constitutional questions and remote governmental functions and should direct attention to social agencies close at hand and to the informal activities of daily life that regard and seek the common good. Such agencies as child welfare organizations and consumers' leagues afford specific opportunities for the expression of civic qualities by the older pupils.[27]

Indeed, if the Constitution was to continue to be interpreted by the Supreme Court as favoring corporate property interests, separate but equal school systems, and injunctions to prevent strikes by labor unions while prohibiting national child labor legislation, the Progressive movement seemed inclined to downgrade such teachings about the Constitution and turn to social and political reform movements at the state and local levels.

Progressive politicians and progressive educators might agree that good citizenship should concentrate on local social problems, but they did not reckon with the impact of the onset of World War I. Between 1900 and 1917 only two or three states had passed laws requiring the teaching of the Constitution, while Wisconsin and Maryland even dropped theirs in favor of "civil government" or civics in general. But the 1920s brought drastic changes in the form of legislative mandates on the teaching of the Constitution. How much of this movement was a reaction against the shift from civil government to a reformed civics is a subject worthy of further research.

III. "The Reactionary Impulse" (1920s)

Robert H. Wiebe, professor of history at Northwestern, uses a telling phrase to describe the politics of 1920-1924 in his chapter on the emergence of modern politics in *The Great Republic*. He refers to the period as "The Reactionary Impulse" when "a host of private citizens and public officials set out to eliminate organized radicalism in the name of 100 percent Americanism."[28] The "Great Red Scare" not only embraced Communists, Bolshevists, and Socialists but foreigners, immigrants, and aliens who had been coming by the millions from eastern and southern Europe. The nativist movements infiltrated all sorts of patriotic, fraternal, social, business, and professional organizations, symbolized at its most extreme by the Ku Klux Klan and culminating in one sense in the National Origins Act of Congress in 1924, clamping quotas upon further immigration from eastern and southern Europe and Asia.

The fears and frustrations of anti-radical and anti-foreign movements had, of course, been fed by the fears, anxieties and losses of World War I with its demands for outward as well as inner loyalty, patriotism and sacrifice. In this post-war period there was a massive movement to require instruction about the Constitution in the nation's schools and to do it by the passage of state laws. By 1923 23 states had been persuaded to pass or reemphasize such laws, and by 1931 43 states had done so (all except Connecticut, Maryland, Mississippi, Montana, and Wisconsin).

Bennett, Tryon, and Pierce, all writing in the mid-thirties, agree that the two most influential groups in achieving this remarkable legislative sweep were the American Bar Association and the National Security League working cooperatively. I have no reason to doubt this generalization. I have not been able to investigate the National Security League's activities in any detail, but it seems clear that it was formed in 1914 to awaken America to the dangers of autocracy and the threat of the Central Powers to democracy in the United States as well as in the European West. The National Security League sponsored a National Security Congress in 1916 where it was announced that the League had over 45,000 members and a network of 200 local branches. The next year it set up a Committee on Patriotism through Education which produced a handbook of patriotic education references edited by Albert Bushnell Hart, professor of history at Harvard, and Arthur O. Lovejoy, professor of philosophy at Johns Hopkins.

Once the war was won, the National Security League turned from fighting pacifists and awakening a sense of martial patriotism to promoting citizenship education in the schools. It sought to combat radicalism through political campaigns to persuade state legislatures to require teaching about the Constitution. The League drew up two drafts of a legislative bill upon which more than 20 states modelled their own legislation. The League's Committee on Constitutional Instruction continued to lobby successfully until bout 1928. Indeed, the House of Representatives, itself, responded to the constitutional impulse by passing a resolution in 1925 calling upon all educational institutions in the nation to offer a course on the Constitution as a part of their regular curriculum.

How effective were the laws? Bennett sent out a questionnaire in 1934 to all state departments of education in states where the laws had been passed. The results will not surprise most investigators of legal mandates: most of the replies (42 out of 43 were returned) were evasive, ambiguous, or ignored the question about effectiveness.[29] Bennett's conclusion was that the state education departments were giving little specific attention to carrying out the laws. Indeed the laws were often ambiguous as to whether schools were simply required to *offer* specific instruction in the Constitution or whether all or some students were *required* to take such instruction. No penalty ever seemed to have been inflicted for failure to apply the legislative mandates. But the fact remains that most of these statutes as amended are still on the statute books.

The 1920s were the formative decade in widespread social expectations that the Constitution should be taught explicitly with the intention of promoting a common loyalty, a common patriotism, and a common Americanism among all segments of the school-going population. Some of the more "patriotic" organizations had fairly extreme expectations for the teaching about the Constitution.

Bennett sent a questionnaire in the early 1930s to various organizations including a fairly loaded question: "Does your association believe that the Constitution should be taught in such a way as to imply a state of perfection in our political ideas and institutions, or rather that an attitude of healthy, constructive criticism should be fostered?" A "state of perfection" was clearly expected by the American Legion, Sons of the American Revolution,

Daughters of the American Revolution, Veterans of Foreign Wars, and the United States Patriotic Society.[30] The Constitutional Education Association and The Crusaders were willing to admit constructive criticism as well.

Perhaps even more influential than the National Security League in promoting study about the Constitution in schools was the American Bar Association. Although a professional rather than a patriotic organization, the ABA in the early 1920s also perceived the Constitution as a bulwark against radicalism and as a device to create Americans out of immigrants. If anything, the ABA was even more explicit about the necessity for Constitution-teaching as a fundamental support for the values of private property against progressive, labor and populist attacks as well as against socialism and communism.

In 1921 the ABA appointed a committee to devise a "program for Promoting American Ideals." Its report in 1922 stated its purposes:

> We have interpreted this resolution as laying upon us the duty to prepare a program under which the lawyers of the United States, cooperating with every patriotic society and organization, and with every true American man and woman, shall be urged to join in an earnest effort to stem the tide of radical,, and often treasonable, attacks upon our Constitution, our laws, our courts, our law-making bodies, our executives and our flag, to arouse to action our dormant citizenship, to abolish ignorance, and crush falsehood, and to bring truth into the hearts of our citizenship.[31]

The report went on to deplore the criticism of the courts for their decisions favorable to the railroads and large corporations and unfavorable to labor union strikes. The upshot was a proposal to establish a special Committee on American Citizenship; it was established and reported regularly for some three decades on its activities. The activities of the Committee on American Citizenship in the 1920s included special efforts to get uniform laws passed by the states requiring special study of the Constitution, preferably in separate, identifiable courses rather than simply as part of courses in history, civics or government.

The ABA's "expectations" were very high and very explicit; they included monitoring what schools were doing, recommending grade levels, and outlining the content of courses and of texts. In general, the Committee wanted the texts to revert to the style of the detailed commentaries of Joseph Story and to be written by authors thoroughly versed in constitutional law.[32]

Research on the efforts of the National Security League and the American Bar Association and of a large number of other organizations to promote study of the Constitution in the schools has scarcely scratched the surface of the theme of this paper on society's expectations.

IV. The Liberal Impulse (1930-1960)

By the end of the 1920s and the opening of the New Deal the climate of opinion in politics and education shifted markedly away from the excesses of reactionary eagle-screaming of the early 1920s. Besides, the legislative mandates to teach the Constitution had virtually covered the country. The tone and temper of many educational leaders began to shift to other more

pressing social issues. Never acceding very willingly to the idea that legislatures should control the curriculum of school or college, many educators looked with skepticism upon the intentions and motivations of most of the organizations that sought to legislate teaching of the Constitution.

This generally liberal and progressive view tended to permeate the writings of one of the most extensive and elaborate professional studies of the school curriculum ever undertaken: the Commission on the Social Studies of the American Historical Association supported from 1929 to 1934 by the Carnegie Corporation. Seventeen volumes were issued between 1932 and 1937. The dominant tone of the most widely read volumes (such as those by Charles A. Beard, George S. Counts, Jessie H. Newlon, Merle Curti, Bessie L. Pierce, Howard K. Beale, and Charles E. Merriam) was that the age of individualism and laissez-faire in the economy and in government was coming to a close and a new collectivism requiring social planning and governmental regulation was opening. In view of the reactionary campaigns of the 1920s (so fully documented by Pierce, Beale, and Tryon), the Depression, and the Supreme Court's decisions striking down many New Deal measures, it is no wonder that the Commission's recommendations did not say very much explicitly about teaching the Constitution in the schools.

By the end of the 1930s, however, a few professionals in law and education began to look upon the Bill of Rights in a new light as the war clouds gathered in Europe and vigilantism and invasions of civil liberties escalated under the stoking of the House Un-American Activities Committee. The American Bar Association established a Special Committee on the Bill of Rights in 1938. The new president, Frank J. Hogan, argued that the ABA had long rendered great public service by defending institutions, laws, and ideals important under a free government, but it was now time that the Association become vigilant in the defense of the rights and liberties of individuals.

The Carnegie Corporation gave a three-year grant to the Committee for the publication of *The Bill of Rights Review.* The initial volume received congratulatory messages from Robert H. Jackson, Attorney General, Charles A. Beard, and John W. Davis, among others. After three years the *Review* ceased publication for reasons that I have not discovered—beyond the termination of the Carnegie grants—but a new attitude had been established. The Special Committee filed a brief of *amicus curiae* in the *Gobitis* flag salute case in 1940; it lost. But in the *Barnett* case in 1943, which reversed *Gobitis,* the special committee filed another amicus curiae brief. World War II, however, interrupted and delayed an impetus to press the schools toward teaching the Constitution with an emphasis upon the Bill of Rights.

In the 1940s and 1950s both a revival of the reactionary impulses and a renewed liberal impulse gained strength. The story, of course, cannot be repeated here. The American Legion, the Hearst papers, and many other patriotic groups hounded the Rugg social studies texts out of the schools; by 1952, loyalty oath laws had been passed in 30 states; the Feinberg Act to ferret Communists out of the schools in New York passed in 1948; a half decade of McCarthyism followed. On the other side, the Supreme Court found a new interpretation of the First Amendment on religion in the schools (*Everson* in 1947 and *McCollum* in 1948) and a tentative approach to

desegregation under the 14th Amendment (in *Sweatt* and *McLaurin* in 1950) which culminated in *Brown* in 1954 after Earl Warren became Chief Justice. And President Truman's Commission on Civil Rights forecast in 1947 much of what was to come in succeeding years.

The upshot of all this is that a few educators' voices began to be raised in favor of teaching about the Constitution in the schools with special emphasis upon the Bill of Rights. In 1941, Howard Wilson edited a bulletin of the National Council for the Social Studies entitled *Teaching the Civil Liberties,* and one of the pamphlets of the *Building America* series published in 1937 at Teachers College dealt with the Constitution in liberal terms. But there was no great demand from public organizations for the schools to launch into such territory planted as it was with the land-mines from World War II, McCarthyism, and the subsequent Cold War of the 1950s. Still, a few schools and a few projects began to surface. One of the best known illustrated the effort to strike a new balance of consensus and accommodation between the earlier approaches to the Constitution that stressed property rights and limited government and the newer stress upon the civil liberties of the Bill of Rights. Again the Carnegie Corporation proved to be a primary catalyst.

In his annual report of 1948 as president of Carnegie, Charles Dollard virtually invited applications for a grant of funds to improve citizenship education:

> . . . the trustees and officers of the Corporation share with others a concern that all the American people have an understanding of the basic principles and practices of a free society, and also that the principles are given more than lip service. . . . The Corporation has no easy solutions to propose. . . . It will have no part in any program which rests on the assumption that, having achieved Utopia, we should declare a moratorium on honest and responsible self-criticism. What it will welcome is any carefully conceived plan which is designed to give young Americans a fuller understanding of the American tradition and a conviction that what they have inherited is worth transmitting to their children. Such an understanding and conviction widely diffused among people might be our best defense in the hard years ahead.[33]

The long-time president of Teachers College, William F. Russell, with the enthusiastic support of the new president of Columbia University, General Dwight D. Eisenhower, quickly responded to Dollard's invitation, and the Citizenship Education Project was established at Teachers College in 1949. For approximately a decade and with the aid of some $2,000,000 the CEP produced extensive materials and resources to aid teachers to teach the "Premises of Liberty" that derive from the Constitution, the Declaration of Independence, basic legislation, and major court decisions. The premises were categorized under four headings: the free individual, the free government, the free economy, and the free world. The basic beliefs, social guarantees and responsibilities, civil rights, and civil liberties were spelled out in a useful and dramatic way far beyond the stilted textbooks of the past. And great emphasis was put upon the Constitution, especially upon the civil liberties of the Bill of Rights.

As it tried to tread carefully through the mine-fields of the 1950s, CEP proclaimed that it expressed in a *non-controversial fashion* the virtues of the

American way, but that it also aimed to help students deal responsibly with controversy. Such a stance was reinforced through the 1950s with the imprimature of Dwight Eisenhower as NATO Commander and as President of the United States after he left Columbia. A letter from Eisenhower to Will Russell from NATO headquarters in March 1951 illustrates an expectation which vast numbers of Americans of the 1950s could undoubtedly agree to:

> Naturally, I am delighted to learn that the response to the initial tryouts of our Citizenship Education project for the Armed Services was enthusiastic. . . .
>
> The demonstration illuminated the origin of individual advantage—and private property, too, for that matter—in such a way that none could miss the point. . . .
>
> I am sure that every soldier who participated . . . now has a better appreciation and comprehension of our free, competitive system that aims at making merit the principal basis of success.
>
> . . . [With regard to the other principles underlying the American system] I am looking forward to a report on how your staff develops dramatizations of such complicated, yet fundamental, problems as: the inescapable obligation that accompanies every right in our society, if any rights are to survive; the dividing lines between the responsibilities of the Federal Government, the State Government, the home community, and the individual citizen; and the maintenance of national unity despite the divisive pressures of group and factual (sic) interest.[34]

The Citizenship Education Project at Teachers College documented the premises of liberty by referring to the Constitution and law. What was probably most interesting to professional educators, however, was its stress on the skills of participation which it identified by the neutral term "laboratory practices," perhaps in the hope that it would divert charges of being politically controversial. Hundreds of laboratory practices detailed how teachers and students could engage together in action-oriented problem-solving in the schools and in the community. Workshops and training programs were conducted across the country for hundreds of schools and thousands of teachers during the decade of the 1950s.

Taken seriously, the suggestions could have led to much more than bland good will, e.g., studying the local congressional district to see if it provides fair representation of minority groups, making a tax map of the community to see if tax assessments are equitable, getting young people to join political clubs, helping to get voters to register and to cast ballots accurately, providing citizens with non-partisan political information, informing the community how candidates stand on issues, actually campaigning for candidates of their choice, drafting a real and not a sham school constitution, and the like. Unfortunately, the CEP had to combat a political neutralism and caution among educators during the McCarthy 1950s; its funds ran out just before the rise of political activism of the 1960s.[35]

V. The Constitution Resurgent (1960-1980)

Within the scope of this short paper I cannot possibly deal with the decades of the 1960s and 1970s in any detail. One thing, however, seems clear. Constitutional issues, conflicts, and controversies cropped up recur-

rently and aggressively in almost all aspects of public life and in many reaches of private life. The Supreme Court and the federal courts seemed to be hearing and deciding a constant stream of cases dealing with individual rights and civil liberties. Indeed, the Watergate confrontation revealed a genuine constitutional crisis over the "separation of powers" compared with which earlier textbook civics did indeed seem bland and dull.

Through most of the period liberal activists made it clear that they "expected" the Constitution to be interpreted to support racial desegregation in the schools, busing if necessary, affirmative action on behalf of minorities and women, protection of individual variety in belief and lifestyle, and freedom of teaching and learning on matters of religion, science and politics. Towards the end of the period the power of conservative "re-activists" grew ever more evident in their demands for reassessment and reversal of two decades of Supreme Court interpretations of the Constitution and Bill of Rights. They hoped to prohibit racial desegregation by busing, permit teaching of religion and offering of prayers in the public schools, permit the study of creationism along with evolution, prohibit abortion, and provide tax funds for private schools through tax credits or vouchers. There were resurgent calls for constitutional amendments to turn the tide of judicial interpretations on these and other matters, for legislative action by Congress to preclude the courts from ruling on such issues, or even for the convening of a new constitutional convention.

In all these recurrent political conflicts one of the most salient points for our history is that many of the recent and basic constitutional controversies and decisions have to do directly with *educational* matters and with the public schools. They not only range across such issues as those just mentioned, but also children's and students' rights in relation to parents' rights, teachers' rights, and administrators' rights and responsibilities, the relations of the sexes inside and outside of school, censorship or monitoring of books and school materials, criminal and civil justice for youth, the draft for men and women, and on and on. Whatever else may be said about the study of constitutional issues during the 1960s and 1970s it is not dull and formalistic nor remote from or irrelevant to the daily life in the schools.

In the sixties, the liberal interests saw civil liberties and civil rights as the essential core of teaching about the Constitution. This emerged from efforts begun during the late 1950s which involved the Fund for the Republic (a spin-off from the Ford Foundation), the Carrie Chapman Catt Fund of the League of Women Voters, and the Civil Liberties Educational Foundation which produced a report from a Williamsburg Workshop for high school teachers conducted in cooperation with the National Council for the Social Studies.

A national effort for improving Bill of Rights teaching in the schools was launched in a keynote speech by Supreme Court Justice William J. Brennan, Jr. at the NCSS convention, followed by a seminar at Airlie House attended by Justices Brennan and Douglas and a notable list of judges, lawyers, educators, and public persons of a generally liberal persuasion in 1963. The National Assembly on Teaching the Bill of Rights which grew out of cooperation by the Association of American Law Schools, the American Political Science Association, and the National Council for the Social Studies pro-

duced materials, conducted seminars, and held training sessions for teachers. The Center for Research and Education in American Liberties at Columbia and Teachers College was a direct outgrowth of the National Assembly.[36]

A number of significant enterprises developed by the mid-1960s: a Seminar on School Curricula for Instruction in the Bill of Rights at Boulder, Colorado; action by the California State Board of Education to promote critical study of the Constitution and Bill of Rights in the public schools; creation of the Constitutional Rights Foundation in Los Angeles; city school system projects established in Chicago, Detroit, St. Louis, New York City, and elsewhere; and university-based projects at Tufts, UCLA, Syracuse, Stanford, Columbia, Georgetown, and elsewhere. The Harvard University Social Studies Project put great emphasis upon constitutional questions and designed a jurisprudential framework for study of controversial public issue.[37]

By the end of the 1960s redoubled efforts to include constitutional concepts and values in school curricula were spreading from the academic world of deans and professors of law, education, and the social sciences to the practical world of professional lawyers, judges, justice agencies, school systems, and such government agencies as the Office of Education, Law Enforcement Assistance Administration, and Office of Juvenile Justice and Delinquency Prevention. Especially active were the bar associations, local, state, and national. Notable among these have been the State Bar of California which established the Law in a Free Society Project in 1969 and the American Bar Association which established its Special Committee on Youth Education for Citizenship in 1971 while Leon Jaworski was the ABA president. The tone and outlook of the ABA's leadership in the 1970s were dramatically different from those of the 1920s. Law-related education has mushroomed throughout the United States. While it is not confined to teaching about the Constitution, no other movement in social studies has given as much explicit attention to the rights and liberties related to constitutional concepts and meanings. Other organizations working concurrently have been: the Constitutional Rights Foundation, Law in a Free Society, and the National Street Law Institute.

Nothing could better illustrate the differences between the reactionary impulse of the 1920s and the liberal impulse of the Bill of Rights movement of the 1960s and 1970s than the statement approved by the California State Board of Education in 1963:

> California public schools are to instruct in the principles of a free government and lead students to a true comprehension of the rights and duties, and dignity of American citizenship. . . .

So far this could be the 1840s of Horace Mann or the 1920s of 43 state laws, but then the resolution goes on:

> We believe that teaching in this field, no matter how controversial the issue, should be conducted within the framework of free discussion. Not only the history of the Bill of Rights should be taught, but contemporary issues it raises, such as the debate over separation of church and state embodied in the First Amendment, and the privilege against self incrimination as provided in the

Fifth Amendment, should be discussed. Now is the time to help our young people to become aware of the risks, the privileges, and the personal demands of freedom.

We urge all school superintendents to give this subject the highest priority. We hope that the very conduct of the classes studying the Bill of Rights will reflect its spirit and be a demonstration of civil rights in action.[38]

I would not hazard an estimate of how well the school superintendents, teachers or the parents of California have carried out this resolution of 1963. But I believe that it states well the liberal impulse of the law-related education movement of the past two decades. To be sure, the conservative and reactionary movements have by no means disappeared. The politics of the New Right and the Moral Majority make it clear that in the 1980s there will still be controversial and fundamentally conflicting conceptions of constitutional rights and liberties as they apply to abortion, busing, gun control, women's rights, creationism and evolution, prayer in the public schools, tuition tax credits and vouchers for private schooling, and much else. During the election campaign, President Ronald Reagan spoke out for the "old time Constitution" as well as the "old time religion":

When I hear the First Amendment used as a reason to keep traditional moral values away from policymaking, I am shocked. The First Amendment was written not to protect the people and their laws from religious values, but to protect those values from government tyranny. But over the last two or three decades the Federal Government seems to have forgotten both "that old time religion" and that old time Constitution.[39]

I am moved to recall what the chief author and architect of the "old time" Constitution had in mind when he proposed to the First Congress the amendments which came to be the Bill of Rights, as he promised Jefferson he would do. In his notable speech in the House on June 8, 1789, James Madison summed up his belief in the importance of having a written bill of rights in the federal Constitution:

The prescriptions in favor of liberty ought to be levelled against that quarter where the greatest danger lies, namely that which possesses the highest prerogative of power. But this is not found in either the executive or legislative departments of Government, but in the body of the people, operating by the majority against the minority.[40]

I am confident that in pointing to the need for protection against the dangers of "abuse by the community" Madison meant to include all majorities, whether political, religious, or moral.

In view of the momentous changes forecast by the "conservative revolution" embodied in the 1980 election, teaching about the Constitution in the schools promises to be no easier in the future than it has been in the past, but it may very possibly be more important than ever. We will still have before us the challenge that Chief Justice Earl Warren gave in 1955:

. . . when the generation of 1980 receives from us the Bill of Rights, the document will not have exactly the same meaning it had when we received it from our fathers. We will pass on a better Bill of Rights or a worse one, tarnished by neglect or burnished by growing use. If these rights are real, they need constant and imaginative application to new situations.[41]

Bibliographical Notes

The only full length book I could find focusing upon the teaching of the Constitution in the schools was:

H. Arnold Bennett, *The Constitution in School and College* (New York: G. P. Putnam's Sons, 1935). This is probably a Ph.D. dissertation at Columbia in Public Law and Government. It includes a good deal of historical material as well as contemporary analysis up to the time it was written.

The pathfinding study in "society's expectations" concerning the teaching of history and the social studies was:

Bessie L. Pierce, *Public Opinion and the Teaching of History* (New York: Knopf, 1926).

Two elaborate projects focused on the theme of the social sciences in the schools as they bear on civic education. One was promoted and conducted primarily by political scientists; the other by historians, both in the early 1930s.

Charles E. Merriam was instrumental in promoting several important studies of civic education in various countries of the world. The one concentrating on the United States was:

Bessie L. Pierce, *Civic Attitudes in American School Textbooks* (Chicago: University of Chicago Press, 1931).

Merriam included the United States in his overall comparative interpretation of the whole series:

Charles E. Merriam, *The Making of Citizens* (Chicago: University of Chicago Press, 1931).

The most extensive series of studies was produced by the Commission on the Social Studies of the American Historical Association. Several parts of the total report are especially useful for the subject of this paper, although the treatment of the Constitution was subsidiary to the larger interest in the social studies as a whole:

Bessie L. Pierce, *Citizens' Organizations and the Civic Training of Youth* (New York: Scribner's, 1933), Part III.
Charles E. Merriam, *Civic Education in the United States* (New York: Scribner's, 1934), Part VI.
Rolla M. Tryon, *The Social Sciences as School Subjects* (New York: Scribner's, 1935), Part XI.
Howard K. Beale, *Are American Teachers Free?* (New York: Scribner's, 1936), Part XII.
Howard K. Beale, *A History of Freedom of Teaching in American Schools* (New York: Scribner's, 1941), Part XVI.

Signs of the "Liberal Impulse" are revealed in the context of what Hazel Hertzberg calls the characteristics of history teaching in the 1960s and

1970s: specialization, fragmentation, narrowness or uncertainty of purpose, segmentation, and presentism. See, for example:

Hazel Whitman Hertzberg, "The Teaching of History" in Michael Kammen (ed.), *The Past Before Us: Contemporary Historical Writing in the United States* (Ithaca, N.Y.: Cornell University Press, 1980), pp. 474-501.

Isidore Starr, "Teaching the Bill of Rights," *Social Education,* Vol. 23, Dec. 1959, pp. 373-378.

William J. Brennan, Jr., "Teaching the Bill of Rights," *Social Education,* Vol. 27, May 1963, pp. 238-243.

Robert M. O'Neill, "An Approach to Teaching the Bill of Rights," *Teachers College Record,* Vol. 65, Dec. 1963, pp. 272-279.

Howard E. Wilson, *et al., Teaching the Civil Liberties,* Bulletin #16 (Washington, D.C.: National Council for the Social Studies, 1941).

A Program for Improving Bill of Rights Teaching in High Schools: The Report of the Williamstown Workshop (New York: Civil Liberties Educational Foundation, 1962).

The literature on law-related and civic education has grown rapidly in the 1970s. For historical background, analysis, and bibliography, see R. Freeman Butts, *The Revival of Civic Learning; A Rationale for Citizenship Education in American Schools* (Bloomington, Ind.: Phi Delta Kappa Educational Foundation, 1980).

Notes

1. H. Arnold Bennett, *The Constitution in School and College* (New York: Putnam's, 1935).
2. See Frederick Rudolph (ed.), *Essays on Education in the Early Republic* (Cambridge, Mass.: Harvard University Press, 1965), pp. 211 and 332.
3. H. Arnold Bennett, *The Constitution in School and College* (New York: Putnam's, 1935), pp. 46-49; and Rolla Tryon, *The Social Sciences as School Subjects* (New York: Scribner's, 1935), pp. 252-253.
4. See David B. Tyack (ed.), *Turning Points in American Educational History* (Waltham, Mass.: Blaisdell, 1967), pp. 189-190.
5. See Gordon C. Lee (ed.), *Crusade Against Ignorance; Thomas Jefferson on Education* (New York: Teachers College, Columbia University, 1961), pp.. 53-54.
6. Lawrence A. Cremin (ed.), *The Republic and the School; Horace Mann on the Education of Free Men* (New York: Teachers College, Columbia University, 1957), p. 93.
7. *Ibid.,* p. 97.
8. Tryon, *op. cit.,* p. 263-264.
9. *Report of the Committee of Ten on Secondary School Subjects* (New York: American Book Co., 1894), p. 167.
10. *Ibid.,* p. 168.
11. *Ibid.,* p. 170.
12. *Ibid.,* p. 165.
13. *Ibid.,* p. 180.
14. *Ibid.,* p. 181.
15. See, for example, Hazel Whitman Hertzberg, "The Teaching of History" in Michael Kammen (ed), *The Past Before Us: Contemporary Historical Writing in the United States* (Ithaca, N.Y.: Cornell University Press, 1980), pp. 474-498.

16. For an interesting analysis see N. Ray Hiner, "Professions in Process: Changing Relations Between Historians and Educators, 1896-1911," *History of Education Quarterly,* Spring 1972, pp. 34-56.
17. American Historical Association, *The Study of History in Schools,* Report of the Committee of Seven (New York: Macmillan, 1899), p. 17.
18. *Ibid.,* p. 75.
19. *Ibid.,* pp. 81-82.
20. See Micheline Fedyck, *Conceptions of Citizenship and Nationality in High School American History Textbooks, 1913-1977.* Unpublished Ph.D. Dissertation, Teachers College, Columbia University, 1979.
21. Tryon, *op. cit.,* p. 41.
22. Tryon, *op. cit.,* p. 42.
23. American Political Science Association, *The Teaching of Government,* Report to the APSA by the Committee on Instruction (New York: Macmillan, 1916), pp. 27-28.
24. *Ibid.,* pp. 102-111.
25. Arthur W. Dunn was also secretary of the vastly influential Commission on the Reorganization of Secondary Education of the National Education Association.
26. Quoted in Daniel Calhoun (ed.), *The Educating of Americans: A Documentary History* (Boston: Houghton, Mifflin, 1969), p. 495.
27. National Education Association, Commission on the Reorganization of Secondary Education, *Cardinal Principles of Secondary Education* (Washington, D.C.: Government Printing Office, 1918), U.S. Bureau of Education, Bulletin #35, p. 14.
28. Bernard Bailyn, *et al., The Great Republic; A History of the American People* (Boston: Little, Brown, 1977), p. 1058.
29. Bennett, *op. cit.,* Chap. 4, pp. 103-154. See Appendix B, pp. 251-269 for the statutes as passed by 43 states during the 1920s and the House resolution of 1925.
30. Bennett, *op. cit.,* p. 42.
31. *American Bar Association Journal,* Vol. 8, 1922, p. 585; and Vol. 9, 1923, p. 653.
32. For example, see Samuel P. Weaver, "The Constitution in Our Public Schools," *The Constitutional Review,* Vol. xi, April 1927, pp. 105-112; and "Teaching the Constitution," *ABA Journal,* Vol. 15, 1929, pp. 580-642.
33. Quoted in Citizenship Education Project, *Building Better Programs in Citizenship Education* (New York: Teachers College, Columbia University, 1958), p. 273.
34. Citizenship Education Project, *CEP News* (New York: Teachers College, Columbia University), 20 May 1951, p. 1.
35. For a well rounded analysis of the background and career of the CEP, see Richard W. Streb, *A History of the Citizenship Education Project: A Model Curricular Study.* Unpublished Ed.D. Dissertation, Teachers College, Columbia University, 1979.
36. See Raymond Smith, *Educating for American Liberties: The Civil Liberties Educational Foundation, The National Assembly for Teaching the Principles of the Bill of Rights, and the Center for Research and Education in American Liberties.* Unpublished Ed.D. Dissertation, Teacher College, Columbia University, 1980.
37. See Donald W. Oliver and James P. Shaver, *Teaching Public Issues in the High School* (Boston: Houghton Mifflin, 1966).
38. Quoted in Minna Post Peyser, *Seminar on School Curricula for Instruction in the Bill of Rights* (Boulder: University of Colorado, 1963), p. 16.
39. From a speech to thousands of evangelical Christians in Dallas, August 22, 1980; quoted in *The New York Times,* August 23, 1980, p. 6.
40. Joseph Gales (ed.), *Annals of Congress* (Washington, D.C.: Gales and Seaton, 1834), Vol. I, pp. 454-455. For a full discussion of this speech see R. Freeman

Butts, "James Madison, The Bill of Rights, and Education," *Teachers College Record*, Vol. 60, No. 3, December 1958, pp. 121-128.

41. Earl Warren, "The Law and the Future," *Fortune Magazine*, November, 1955; quoted by Isidore Starr, "Teaching the Bill of Rights," *Social Education*, December 1959, p. 373.

WHAT YOUTH KNOW AND BELIEVE ABOUT THE CONSTITUTION

Karen S. Dawson

With the celebration of the 200th anniversary of the writing of the United States Constitution, there is increasing interest in what youth know and believe about the document. This paper will focus on data from the National Assessment of Educational Progress[1] and other poll data which assess secondary students' knowledge and beliefs about the Constitution, and constitutional principles as well as their knowledge about political institutions and processes. The data will be accompanied by some explanations for the findings and for the trends—both age-related and historical—which they demonstrate.

I. Knowledge About the Constitution

Our understanding of what secondary students know about the Constitution is based on their responses to multiple choice and open-ended questions concerning the Constitution, constitutional procedures, and the structure and processes of government in general. Between the first (1970) and second (1976) national assessments on Citizenship by the National Assessment of Education Progress (NAEP), average performance declined between 3 percent and 8 percent.[2] In 1970 the average performance of 13-year-olds on the citizenship tests administered by the NAEP was 65 percent; in 1976 the average performance fell to 62 percent. For 17-year-olds, the average performance in 1969 was 73 percent, while in 1976[3] it was 65 percent.

The National Assessment objectives distinguish between the recognition of constitutional rights and the value attached to these rights. According to NAEP data, youth tend to recognize constitutional rights more than they value them. The type of constitutional rights and principles identified vary

from abstract concepts (e.g., What is the meaning of democracy?) to very specific questions about the Constitution (e.g., Is freedom of religion a right guaranteed by the Constitution?). While approximately 3/5 of the 13-year-olds and 4/5 of the 17-year-olds realized in 1976 that their civil rights were stated in the U.S. Constitution, this was a drop of 4 percentage points for both the 13- and 17-year-olds since 1969-1970.

The most significant finding in NAEP's longitudinal assessments may be the continuing gap, averaging almost 15 percentage points, between black and white students' performances on both citizenship and social studies measures.[4] On the whole, 17-year-old black students performed at about the level of 13-year-old white students, some 12 points below other students their own age. Black students, like white students, have declined in their ability to answer very basic citizen-related questions, but they declined from a lower starting point.

Knowing the Meaning of Democracy

What do students understand about the meaning of democracy? Data drawn from the NAEP would suggest that a majority of 13-year-olds, given an open-ended question, cannot describe what is meant by "democracy." Whereas 74 percent of the 17-year-olds in 1975-76 could describe what is meant by "democracy," only 42 percent of the 13-year-olds and 2 percent of the 9-year-olds provided acceptable responses. There were also changes between the two assessments; 13-year-olds dropped by 11 percentage points, and 17-year-olds declined by 12 points.[5] Students' knowledge of and ability to express "what is a democracy" ranks lower than many of the more concrete questions, e.g., sources of funds for schools and highways, limitations on presidential powers, and diversity and dissemination of information in a democracy. As seen in Figure 1, the open-ended question "What is a democracy," is also the most difficult for all age groups to answer.[6]

Knowledge of the Structure and Function of Government

There are significant deficiencies in the American adolescent's knowledge of government. NAEP surveys between 1969-70 and 1976 show declines in knowledge of the structure and function of government. Knowledge of American history and economics also show a low level of understanding.[7]

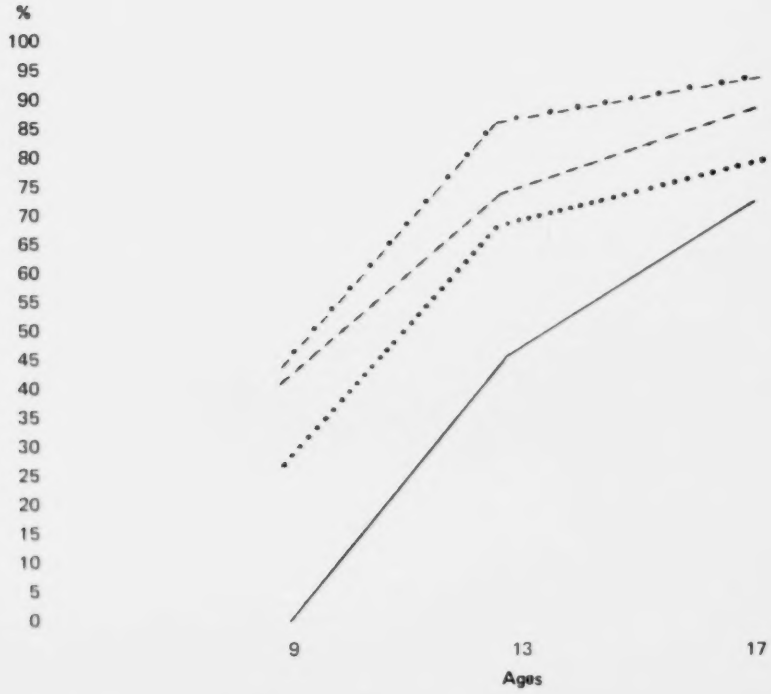
Important characteristics of American constitutional government are not understood by either 13- or 17-year-olds. On very basic questions such as "Does the President have the right to do anything affecting the United States that he wants to do?" 23 percent of the 13-year-olds responded "yes" (no change between 1970 and 1976—even after Watergate). In 1969 20 percent of the 17-year-olds responded "yes"; only 10 percent were of this opinion in 1976.[8]

Recognition that the Senate is a part of the Congress of the United States declined by 8 percent for the 13-year-olds (dropping from 73 percent to 65 percent), and by 6 percent for the 17-year-olds (from 94 percent

to 88 percent). Less than 30 percent of the 13-year-olds in either survey identified the Senate as "the body that approves treaties and ratifies appointments." While nearly half the 17-year-olds in 1976 knew that the Senate ratified appointments, only 35 percent realized that it also approves treaties.[8] These results for the 17-year-olds indicate a 10 percent to 16 percent decline from the first to the second assessment.

While there is an increase in general knowledge about constitutional structures and functions of United States government among 13- to

FIGURE 1
Percent Pro-Democratic Responses, 1976



Key:
——————— What is a democracy?
. . . . . Why more than one newspaper?
– – – – – – President's right to do anything.
—·—·—·— Source of money for schools and highways.

Source: R. S. Jones, "Democratic Cognitions and Participation: Evidence from the National Assessment of Educational Progress Surveys," pp. 11-12.

17-year-olds, within each age category there has been significant declines in their levels of specific information about American government and how it functions.

Knowledge of Constitutional Rights

Most 13- and 17-year-olds seem to be aware of the purpose of the rights included in the Constitution. In the 1970 assessment 81 percent of the 13-year-olds and 96 percent of the 17-year-olds could answer a question on the purpose of constitutional rights; this fell somewhat in 1976 to 76 percent and 91 percent respectively.[10] Such rights as the right to privacy, freedom of religion, and freedom of expression were all recognized by a large majority of both 13- and 17-year-olds as constitutional rights, guaranteed by the Constitution. Knowledge about the constitutional "rights of the accused" is understood by a majority of the youth surveyed by NAEP, with the percentages rising to 88 percent (up 20 percentage points) for 13-year-olds between 1970 and 1976.

It is necessary to note that there may be definite period effects at work in the NAEP data. The Vietnam War, student militancy, and the events which became known as "Watergate" might well have influenced the National Assessment results. Several of the response patterns would indicate the time-boundness of some of the NAEP questions (although this is one of the criteria for inclusion or exclusion of test questions). In general, items related to the rights of the accused showed the largest increase for 13-year-olds; one explanation for this increase is the increased number of television shows about police and lawyers.[11]

Recognition of Government Officials

Nearly all the 13- and 17-year-olds in both assessments run by NAEP could name the President of the United States.[12] While about 20 percent of the 13-year-olds in both assessment years could name at lest one senator or congressperson from their home state, around 50 percent of the 17-year-olds could do so—a drop of 9 percentage points from 57 percent to 48 percent between the two assessments.[13] From 60 percent (13-year-olds) to 70 percent (17-year-olds) could identify the governor of their state—a decline of 13 percentage points for the 17-year-olds between the two assessments.[14]

The NAEP found that during the two assessment periods there was a general decline in 17-year-olds' ability to name governmental officials, with such notable exceptions as media-popular Henry Kissinger in 1976.

Explanations

Political socialization studies support the age-related cognitive developmental explanations of youth's increasing ability to answer knowledge-type questions. Greenstein found that from fourth to eighth grade, the higher the grade the more accurate the knowledge of the names and duties of the President, mayor, and governor and state legislature. There was a consistent development of political knowledge during the five-year age span.[15]

Adelson and Merelman have argued that early adolescence is a period of substantial cognitive development relevant to political learning.[16] In late childhood (put at between 11 to 13 years of age) most of this type of political learning takes place. During late childhood children acquire more direct information and knowledge about the political world. They begin to distinguish between different political roles and to acquire basic factual information (affective orientations of feelings about political objects seem to be acquired before information or knowledge). During adolescence individuals seem to increase their capacity to deal with abstractions and to engage in ideological thinking and ends-means analysis. They become more interested in following political events and become more involved in partisan and electoral politics.[17]

In adolescence political maturity is shown by the acquisition of relatively specific information about political roles, institutions, parties, and processes, including the rights and duties of citizenship. Evaluating information and incorporating it into one's political outlook takes intellectual capacity and experience beyond that of a young child.

The response pattern in NAEP of the 13- and 17-year-olds, compared to the 9-year-old sample shows general trends consistent with cognitive development theory in the political socialization literature.[18] Looking at the correlation of maturation with the increased ability to respond to abstract issues, 9-year-olds were much less likely to give correct answers to questions than were 13-year-olds, and 13-year-olds were less likely than 17-year-olds; this was true for both assessments.

II. What Youth Believe About the Constitution and Constitutional Institutions and Processes

Attitudes Toward Democracy and the Bill of Rights

In the 1950s Purdue Opinion polls (POP) students supported rights such as trial by jury, protection against arrest without formal charges, and protection against searches without warrants. There was less support, however, for Fifth Amendment protections against self-incrimination and more support for allowing police abuse: 33 percent of the students in 1951 (the McCarthy period)—decreasing to 14 percent in 1960—*agreed* that "persons who refuse to testify against themselves should either be made to talk or be severely punished." Fifty-eight percent of the students in 1951 and 42 percent in 1960 *agreed* that "the police or F.B.I. may sometimes be right in giving a man the third degree to make him talk."[19]

The Purdue Opinion Polls showed youth to be more "authoritarian" than "democratic" in their attitudes toward the Bill of Rights.[20] Yet, in a cross-national study of 450 adolescents (German, British and American) between the ages of 12 and 16, Adelson concludes, "Our data . . . showed that the Americans were the most likely of the three national samples to fear the tyranny of the majority, to uphold minority rights, and to emphasize the right of dissent."[21] In fact, Adelson found that American youth were the least authoritarian of the three comparative samples of youths. The American sample seemed to emphasize social harmony, democratic practices, the

maintenance of individual rights, and equality among citizens.

Adelson found in American youth the tendency to equate democracy with equalitarianism. This tendency, however, is age-related. Adelson found a shift in the character of political attitudes from the ages of 12 to 16, indicating a shift away from authoritarian views of the political system in the younger age group. Adelson concludes that "age effects" are more important than national differences in explaining differences in political thought: "A twelve-year old German youngster's ideas of politics are closer to those of a twelve-year old American than to those of his fifteen-year old brother."[22]

The National Assessment data also includes age-related differences in valuing constitutional rights, while showing significant differences depending upon the right in question. Between the two national assessments on citizenship, there was a decrease in the percentage of 13-year-olds who would allow someone who did not believe in God to hold a public office (from 59 percent to 49 percent), but an increase (from 49 percent to 54 percent) who would allow a newspaper or magazine to publish criticism of an elected official.[23] While a majority of 17-year-olds supported freedom of the press in several questions, there was greater support for libraries being allowed to carry books criticizing democracy (75 percent) than support for the press publishing mistakes of government officials (67 percent, down from 75 percent in 1972).[24] Generally both 13- and 17-year-olds supported the application of fair trial procedures in both the 1972 and 1976 surveys.[25] On the whole, students' total performance level was slightly less positive in 1975-76 than just several years earlier.[26]

Attitudes Toward Political Authorities

Adolescence is a period of major change and development—physically, psychologically, and socially. While early orientations toward political authorities seem to be indiscriminately positive and benevolent, they become less so in late childhood and adolescence.[27] Levels of political reasoning about political figures change during late childhood and adolescence.[28]

Political socialization research has been extensive in its documentation of the special place of the President in the child's conception of political authority. On the question dealing with limitations of presidential power, "Does the President have the right to do anything affecting the United States that he wants to do?" there were age-related response patterns. Between the two assessments there was a significant decline in the 9-year-olds' correct responses (49 percent in 1970 to 42 percent in 1976); a very slight increase in 13-year-olds' correct responses (72 percent to 74 percent); and a significant increase in 17-year-olds' responses (from 79 percent in 1969 to 87 percent answering it correctly in 1976). For young children, the incumbent President and the presidency are one and the same. By late childhood (between the ages of 11 and 13), a greater distinction is made between incumbents, and the presidency as a role. Research done in the early 1970s showed younger children (second through fourth grades) still giving only positive responses to questions about the presidency, with the tendency to idealize presidential authority decreasing as the child became older.[29]

Respect for Others/Racial Tolerance

Respect for individual differences and tolerance toward other people and points of view are important attitudes for valuing constitutional principles. Seventeen-year-olds in 1975-76 (NAEP) improved markedly on items related to racial understanding and acceptance. Today's adolescents are much less likely to express blatant racial or ethnic prejudice in their responses to social attitude questions than students in earlier periods.

The earlier Purdue Opinion Polls also found support from high school students on racial tolerance questions relating to protection of the rights of minorities. Forty-one percent of the secondary students in 1941 (before the *Brown v. Board of Education of Topeka, Kansas* case of 1954) felt that "Pupils of all races and nationalities should attend school together everywhere in this country." These percentages went up to 52 percent agreeing in 1958 and then down to 49 percent in 1960. There were large regional differences in these findings, with much more support for school desegregation in the East (90 percent), Midwest (78 percent), West (85 percent), than in the South (29 percent). These regional differences also held in questions concerning interracial marriages. A majority of secondary students also disapproved of segregation in housing. Rights of foreigners in this country to be allowed the same basic freedoms that citizens have, however, were not supported by the majority of the students (42 percent agreed in 1960, down from 54 percent in 1951).[30]

In the area of respect for others (e.g., believing in equality of treatment, upholding a rule of law, and supporting others' rights), adolescents' responses declined between 1969-70 and 1976, although half of the 13-year-olds and 60 percent of the 17-year-olds supported as twelve rights measures.[31] Older adolescents tend to be more critical of the government's treatment of the aged, the poor, and the helpless than their elders; they also are less tolerant of the persistence of discrimination in the United States.[32]

Political Efficacy/Political Trust

Individuals relate in various ways to their political world.[33] Attitudes toward the Constitution and constitutional structures and processes will be affected by: general predispositions toward authorities; tendencies to trust or not trust political leaders, feelings of competency to understand and influence the political world, a sense of whether an individual can make a difference, and whether it is even worthwhile to participate in the political system. Feelings of self-confidence may lead to political confidence.

Adolescents express an interest in politics; 45 percent of the 13-year-olds and 57 percent of the 17-year-olds indicated that they were interested in learning about government.[34] Even though adolescents are more likely than their parents to define citizenship in participatory terms,[35] only 44 percent of the 13-year-olds and 56 percent of the 17-year-olds in the 1976 NAEP study felt they could influence local government. This represents an increase of 2 percent for the 13-year-olds but a 17 percent decline for the 17-year-olds from the last assessment. In the first assessment (1969) 17-year-olds felt significantly more efficacious toward local than national

government; by 1976 they felt equally unefficacious about participation at either level of government.[36] The increased political alienation and distrust of government among secondary students indicated in the National Assessment results should not be surprising given recent trends within the adult population.[37] Table 1 reflects adult attitudes in the area of political confidence and trust. Adults, like adolescents, have shown increasing declines in these areas.

Explanations

The major "event" between the first assessments of 1969-72 and the second assessment of 1975-76 was Watergate. To what extent is there a "period effect" from Watergate? Post-Watergate surveys show an effect on children of the negative political events, with a growth of political cynicism. The effect, however, was found to be age-related, with sixth and eighth graders more affected than second and fourth graders.[38] Greenstein found in mid-1973 that the negative judgments of seventh graders concerned the performance of the incumbent President and not the presidential role. He concluded that, "Children appear able in a wholly unself-conscious way—to distinguish between roles and the individuals who fill them."[39] Thus, one would suspect that "current events" would influence students' attitudes, but perhaps in an indirect and age-related way.[40]

While students' education performance is influenced by the effects of socioeconomic class and parents' educational level, there is evidence that there are unique politicization phenomena which may be attributed to minority status. Weissberg has argued, for example, that blacks tend to be socialized to political apathy.[41] Other research (as diagrammed in Figure 2) has shown that white adults are more likely to see the political system as responsive to them; black adults see it as unresponsive and not worthy of high trust and involvement.[42]

TABLE 1
Recent Trends in Political Alienation and Distrust

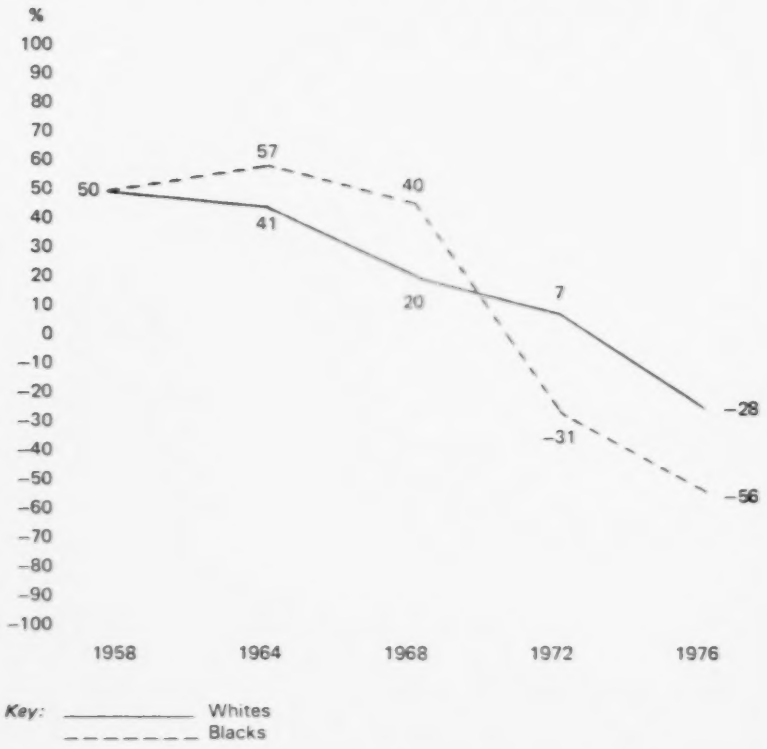
	Government Run for a Few Big Interests	Government Officials Waste "A Lot"	Government Officials Don't Know What They're Doing
1964	29%	46%	27%
1968	39%	57%	36%
1972	45%	56%	34%
1976	66%	74%	49%
1978	68%	77%	50%

Source: Morris P. Fiorina, "The Decline of Collective Responsibility in American Politics" (Public Affairs Thursday Series of the Center for the Study of Public Affairs, Washington University, St. Louis, Missouri, March 20, 1980). Data from National Election Studies, University of Michigan, Ann Arbor.

Class factors do affect how children perform in school.[43] The level of education of parents is highly related to educational achievement of chilldren. Middle-class parents tend to have more interest in pursuing political topics with their children, and spend more time doing so. They are more likely to encourage interest and attitudes that foster political interest in their chilldren. Middle-class children have this advantage very early in life and it increases as they grow older. At each maturation stage, the middle-class child receives greater reinforcement for political learning.[44]

The effect of particular political experiences and events can, of course,

FIGURE 2
Index of Trust in Government by Race, 1958-1976



Source: Arthur H. Miller and Warren E. Miller, "Partisanship and Performance: 'Rational' Choice in the 1976 Presidential Election" (paper prepared for American Political Science Association Meeting, Washington, D.C., September 1977), p. 69.

modify and even nullify the effects of socialization into social roles and group membership influences. Many lower-class children are upwardly mobile, and if they have positive experiences with the social and political order, their political orientations may become much like those socialized in the middle class—e.g., they will show greater rather than lesser political trust as adults. Note that class differences seem to reverse with age. Lower-class children tend to retain their positive feelings about political authority longer than middle-class children, but aduldhood brings more cynicism and distrustful attitudes to lower-class orientations than to middle-class orientations. To some extent, we assume that this reflects class-related experiences with reality. The specific experiences an individual has while growing up are obviously very important.

Patterns evident in the two National Assessments show age-related trends and major continuing gaps between white and black students within each age group. The general conclusion, however, is that the average performance on political knowledge and political attitude measures in the Citizenship Assessment from 1969-76 showed significant average declines for both 13-year-olds and for 17-year-olds.

III. Discussion of the Data

The primary data used to measure on a national level how well secondary students are doing in the areas of political knowledge and attitudes are the National Assessments of Educational Progress (NAEP) and the earlier Purdue Opinion Panel. The NAEP seeks to collect descriptive information about the knowledge, understandings and attitudes of a national sample of American students at ages 9, 13 and 17, and to measure changes in educational attainment over time for selected sub-populations.[45] Earlier polls by the Purdue Opinion Panel began in 1951 and were conducted until 1960. The Purdue Opinion Polls, however, do not break down into age groupings within the high school population.

No one has conducted a nation-wide study of youth's knowledge and beliefs about the Constitution and constitution-related questions. While the NAEP is presently our best general indicator of the assessed level of citizenship, the complicated and costly process of developing and administering this national survey suggests the difficulty of having any number of items that would allow an in-depth analysis into areas of constitutional knowledge or belief systems. Often only one or two questions respond to a particular educational objective, and it is difficult to measure changes over time.[46] Relying on national assessments to draw definitive conclusions about what youth know and believe about the Constitution therefore has limitations.[47] In addition, there are difficulties inmaking comparisons between different types of data (e.g., assessment, poll and political socialization data) which draw conclusions over different periods of time.

Political socialization is treated as one form of the more general phenomenon of socialization. There is a built-in conservative bias toward studying the maintenance of the governmental system and the transmission of political values from one generation to another.[48] Research in political socialization has tended to ask such questions as: Why do some people

develop a sense of involvement in politics while others do not? When and how do individuals develop political attitudes toward and responsiveness to political stimuli? What factors tend to encourage or discourage active political involvement?[49]

Pencil and paper testing of students' knowledge and beliefs focus on outcome measures; they tell us nothing about how political learning takes place and the roles of various social agents in political socialization. The process by which youth obtain knowledge and develop beliefs about constitutional structures and processes involves an interaction between the individual and his/her environment. More needs to be known about these processes: What is the effect of such variables as the frequency and length of exposure to a socializing agency, and the relative importance of consistency and complementary influences of various agents of socialization on the individual? How do children come to have particular attitudes toward the Constitution and how do these attitudes change over time? While it is essential to understand *how* political orientations are acquired, it is difficult to study these processes. Perhaps this is why the products, or outcomes, of political socialization have been emphasized (i.e., values, attitudes and knowledge).

Socialization research also does not explain *why* specific political behaviors are manifested. We assume there is a linkage between predispositions (attitudes, orientations, etc.) and behavior, but not that there is an automatic cause-and-effect relationship. Such behavioral questions as, "Who votes?" "What sort of people contact government officials?" "Why do some people join protest marches and not others?" are not answered by political socialization research. Other factors along with individual predispositions are important as determinants of observed political behavior.

Test data do not measure these behavioral indicators of constitutional practices. Educational assessments are drawn up primarily by educators, leading to the abundance of cognitive measures of learning at the expense of more controversial attitude or behavioral measures. Because of costs, more interesting open-ended questions that would allow for opportunities for follow-up questions are almost non-existent.

Direct modes of political learning appear to be much more significant than personality traits as a determinant of the acquisition of political information and attitudes toward specific issues. This kind of learning takes place in schools and other contexts as well as in the family. Part of "doing well" on tests is the exposure to the type of test and the material being covered on the test. In addition, the content and frequency of exposure to formal civic education courses may also have an impact on students, especially in the area of information. The 1976 NAEP found that 17-year-olds who admitted that they had studied politics very little were 10 points below the national level in the total score on the knowledge and attitude items. Those who studied politics a great deal were 9 points above.[50] But, while 71 percent of the sample thought their courses supplied the knowledge necessary to participate in politics, more than half agreed that "students already know much of what is taught."[51]

Exposure to relevant information about the Constitution, along with appropriate "role models" youth can imitate (e.g., parents, teachers) and personal political experiences, will influence both attitudes and levels of under-

standing. In the 1976 NAEP only 66 percent of the 17-year-olds said that they had studied how to acquire information about political issues or how to analyze the values and alternatives involved in political issues.[52]

Knowledge of our Constitution, its institutions, structures and political processes, is important. There are clues in the data which point toward ways to increase students constitutional understanding. There is also ample evidence that there is room for improvement.

Bibliography

Abramson, Paul. "Political Efficacy and Political Trust Among Black School Children," *Journal of Politics* 34 (1972), pp. 1243-77.

Adelson, Joseph. "The Political Imagination of the Adolescent," *Daedalus* 100 (1971), pp. 1013-50.

Adelson, Joseph and Robert P. O'Neill. "Growth of Political Ideas in Adolescence: The Sense of Community," *Journal of Personality and Social Psychology* 4 (1966), pp. 295-306.

Arterton, Christopher F. "The Impact of Watergate on Children's Attitudes Toward Political Authority," *Political Science Quarterly* (June 1974), pp. 269-88.

Bowles, Samuel and Herbert Gintes. *Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life.* New York: Basic Books.

Damon, William. *The Social World of the Child.* San Francisco: Jossey-Bass, 1977.

Dawson, Richard E., Kenneth Prewitt and Karen S. Dawson. *Political Socialization,* 2d ed. Boston: Little, Brown, 1977.

Easton, David. *A Framework for Political Analysis.* Englewood Cliffs, N.J.: Prentice-Hall, 1965.

Easton, David and Jack Dennis. *Children in the Political System: Origins of Political Legitimacy.* New York: McGraw-Hill, 1969.

Easton, David and Robert D. Hess. "The Child's Political World." *Midwest Journal of Political Science* 6 (1962), pp. 229-46.

Fair, Jean (ed.). *National Assessment and Social Studies Education.* Washington, D.C.: National Council for the Social Studies, 1975.

Farquhar, Elizabeth C. and Karen S. Dawson. *Citizen Education Today: Developing Civic Competencies.* U.S. Office of Education. Washington, D.C.: U.S. Government Printing Office, 1979.

Fiorina, Morris P. "The Decline of Collective Responsibility in American Politics." Public Affairs Thursday Series of the Center for the Study of Public Affairs, Washington University, St. Louis, Missouri, March 20, 1980.

Garcia, F. Chris. *Political Socialization of Chicano Children.* New York: Praeger, 1973.

Greenbaum, William. *A Study of the National Assessment: Measuring Educational Progress.* New York: McGraw-Hill, 1977.

Greenberg, Edward. "Orientations of Black and White Children to Political Authority," *Social Science Quarterly* 51 (1970), pp. 934-43.

Greenstein, Fred. "The Benevolent Leader: Children's Images of Political Authority," *American Political Science Review* LIV (1960), pp. 934-45.

_____. *Children and Politics.* New Haven: Yale University Press, 1965.

_____. "The Benevolent Leader Revisited: Children's Images of Political Leaders in Three Democracies," *American Political Science Review* (December 1975), pp. 1385-97.

Hepburn, May A. "How Do We Know What They Know?" *Teaching Political Science* 7 (July 1980), pp. 425-38.

Hershey, Marjorie Randon and David B. Hill. "Watergate and Preadults—Attitudes

Toward the President," *American Journal of Political Science* (November 1975), pp. 703-26.

Hess, Robert D. and David Easton. "The Child's Changing Image of the President," *Public Opinion Quarterly* XXIV (1960), pp. 632-44.

Hess, Robert D. and Judith V. Torney. *The Development of Political Attitudes in Children.* Chicago: Aldine, 1967.

Jennings, M. Kent and Richard G. Niemi. *The Political Character of Adolescence.* Princeton, N.J.: Princeton University Press, 1974.

Johnson, Simon S. *Update on Education: A Digest of the National Assessment of Educational Progress.* Denver: Education Commission of the States, 1975.

Jones, Ruth S. "Democratic Cognitions and Participation: Evidence from the National Assessment of Educational Progress Surveys." Paper presented at the Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, 1978.

Merelman, Richard M. "The Development of Political Ideology: A Framework for the Analysis of Political Socialization," *American Political Science Review* LXII (1969), pp. 750-67.

Miller, Arthur H. and Warren E. Miller. "Partisanship and Performance: 'Rational' Choice in the 1976 Election." Paper presented at the Annual Meeting of the American Political Science Association, Washington, D.C., 1977.

Moore, R. Paul, James R. Chrony and T. Wodd Rogers. *The National Assessment Approach to Sampling.* Denver: Education Commission of the States, 1974.

National Assessment of Educational Progress. *Changes in Political Knowledge and Attitudes, 1969-76.* Denver: Education Commission of the States, 1978.

_____. *Education for Citizenship: A Bicentennial Survey.* Denver: Education Commission of the States, 1976.

National Election Studies. Ann Arbor: University of Michigan, 1980.

Remmers, H. H. and R. D. Franklin. "Sweet Land of Liberty," *Phi Delta Kappan* (October 1962), pp. 22-27.

Sigel, Roberta. "Political Socialization: Some Reflections on Current Approaches and Conceptualizations." Paper presented at the Annual Meeting of the American Political Science Association, 1966.

Sigel, Roberta and Marilyn Brookes Hoskins. "Satisfaction and Dissatisfaction with Government Output: American Adolescents in the 1970's." Paper presented at the Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, 1975.

Weissberg, Robert. *Political Learning, Political Choice and Democratic Citizenship.* Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972.

Notes

1. National Assessment of Educational Progress, *Changes in Political Knowledge and Attitudes, 1969-76* (Denver, Colo.: Education Commission of the States, 1978).
2. Citizenship was first measured by NAEP in 1969-70; social studies was initially assessed in 1971-72. The most recent assessment, 1975-76, included citizenship and social studies together. The NAEP data result from an extensive process. There is a defining of educational objectives for each assessment (social studies and citizenship are only two of the areas), and then a developing and refining of a pool of items that will measure the stated objectives. This multistage procedure involves specialists in exercise construction, scholars, educators and lay people knowledgeable in the particular subject areas; and a cross-section of national reviewers for final approval of questions that are pretested before they are incorporated into the national assessments. All exercises

are administered by specially trained persons, and group packages are presented on tapes to standardize testing procedures as well as to eliminate any bias which would be introduced by differences in students' reading skills.

3. National Assessment of Educational Progress, *op. cit.*, Appendix C, p. 69.
4. *Ibid.*, pp. 48-50.
5. *Ibid.*, p. 23.
6. Ruth S. Jones, "Democratic Cognitions and Participation: Evidence from the National Assessment of Educational Progress Surveys" (paper presented at the Annual Meeting of the Midwest Political Science Association, 1978, Chicago, Illinois), pp. 11-12.
7. See discussion in Elizabeth C. Farquhar and Karen S. Dawson, *Citizen Education Today: Developing Civic Competencies.* U.S. Office of Education. (Washington, D.C.: U.S. Government Printing Office, 1979), ch. 2.
8. NAEP, *Changes in Political Knowledge and Attitudes, 1969-70, op. cit.*, p. 30.
9. *Ibid.*, p. 23.
10. *Ibid.*, p. 8.
11. NAEP, *Changes in Political Knowledge and Attitudes, 1969-70, op. cit.*, p. 9.
12. The importance of the role of the President in American society is well documented in political socialization research. See, for example, David Easton and Robert D. Hess, "The Child's Political World," *Midwest Journal of Political Science* 6 (1962): 237-38; David Easton and Jack Dennis, *Children in the Political System: Origins of Political Legitimacy* (New York: McGraw-Hill, 1969); Fred Greenstein, *Children and Politics* (New Haven: Yale University Press, 1965); Fred Greenstein, "The Benevolent Leader: Children's Images of Political Authority," *American Political Science Review* LIV (1960): 934-45; Robert D. Hess and David Easton, "The Child's Changing Image of the President," *Public Opinion Quarterly* XXIV (1960): 632-44.
13. NAEP, *Changes in Political Knowledge and Attitudes, 1969-70, op. cit.*, p. 31.
14. *Ibid.*, p. 32.
15. Fred I. Greenstein, "The Benevolent Leader: Children's Images of Political Authority," *op. cit.*, p. 937.
16. Joseph Adelson, "the Political Imagination of the Adolescent," *op. cit.;* and Richard M. Merelman, "The Development of Political Ideology: A Framework for the Analysis of Political Socialization," *op. cit.*
17. See Richard E. Dawson, Kenneth Prewitt and Karen S. Dawson, *Political Socialization, op. cit.*, ch. 4.
18. See, for example, Richard E. Dawson, Kenneth Prewitt and Karen S. Dawson, *Political Socialization,* 2d ed. (Boston: Little, Brown, 1977), ch. 4; Joseph Adelson, "the Political Imagination of the Adolescent," *Daedalus* 100 (1971): 1013-50; Joseph Adelson and Robert P. O'Neill, "Growth of Political Ideas in Adolescence: The Sense of Community," *Journal of Personality and Social Psychology* 4 (1966): 295-306; Richard M. Merelman, "The Development of Political Ideology: A Framework for the Analysis of Political Socialization," *American Political Science Review* LXII (1969): 750-767.
19. H. H. Remmers and R. D. Franklin, "Sweet Land of Liberty," *Phi Delta Kappan* (October 1962): 22-27.
20. *Ibid.*
21. Joseph Adelson, "The Political Imagination of the Adolescent," *op. cit.*, p. 140.
22. *Ibid.*, p. 108.
23. NAEP, *Changes in Political Knowledge and Attitudes, 1969-70, op. cit.*, p. 7.
24. *Ibid.*, p. 12.
25. *Ibid.*, p. 13.
26. Discussed in Elizabeth C. Farquhar and Karen S. Dawson, *Citizen Education Today: Developing Civic Competencies, op. cit.*, ch. 2.
27. David Easton and Jack Dennis, *Children in the Political System, op. cit.*

28. Roberta Sigel, "Political Socialization: Some Reflections on Current Approaches and Conceptualization" (paper presented at the Annual Meeting of the American Political Science Association, September 1966), p. 8.
29. See, for example, Christopher F. Arterton, "The Impact of Watergate on Children's Attitudes toward Political Authority," *Political Science Quarterly* (June 1974): 269-88; Fred Greenstein, "The Benevolent Leader Revisited: Children's Images of Political Leaders in Three Democracies," *American Political Science Review* (December 1975: 1385-97; Marjorie Randon Hershey and David B. Hill, "Watergate and Preadults—Attitudes Toward the President," *American Journal of Political Science* (November 1975): 703-26.
30. H. H. Remmers and R. D. Franklin, "Sweet Land of Liberty," *op. cit.*, p. 26.
31. National Assessment of Education Progress, *Education for Citizenship: A Bicentennial Survey* (Denver, Colo.: Education Commission of the States, 1976), pp. 12-13.
32. Roberta S. Sigel and Marilyn Brookes Hoskin, "Satisfaction and Dissatisfaction with Government Output: American Adolescents in the 1970's" (presented at the Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, 1975).
33. See, for example, William Damon, *The Social World of the Child* (San Francisco: Jossey-Bass, 1977); Edward Greenberg, "Orientations of Black and White Children to Political Authority," *Social Science Quarterly* 51 (1970): 934-43; F. Chris Garcia, *Political Socialization of Chicano Children* (New York: Praeger, 1973), etc.
34. NAEP, *Education for Citizenship: A Bicentennial Survey, op. cit.*, p. 23.
35. M. Kent Jennings and Richard G. Niemi, *The Political Character of Adolescence* (Princeton, N.J.: Princeton University Press, 1975), pp. 122-23.
36. NAEP, *Changes in Political Knowledge and Attitudes, op. cit.*, pp. 33-35.
37. Data from the National Election Studies, University of Michigan, Ann Arbor, 1980.
38. Hershey and Hill, *op. cit.*
39. Greenstein, 1975, *op. cit.*, p. 1390.
40. Richard E. Dawson, Kenneth Prewitt and Karen S. Dawson, *Political Socialization, op. cit.*
41. Robert Weissberg, *Political Learning, Political Choice and Democratic Citizenship* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1974), pp. 32-93.
42. See also Paul Abramson, "Political Efficacy and Political Trust Among Black School Children," *Journal of Politics* 34 (1972): 1243-77.
43. See, for example, Samuel Bowles and Herbert Gintes, *Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life* (New York: Basic Books, 1976).
44. Robert D. Hess and Judith V. Torney, *The Development of Political Attitudes in Children* (Chicago: Aldine, 1967).
45. National Assessment for Educational Progress is under contract with the Education Commission of the States through funds provided by Congress to the National Center for Educational Statistics. See, for example, R. Paul Moore, James R. Chromy and T. Wood Rogers, *The National Assessment Approach to Sampling* (Denver: Education Commission of the States, 1974); William Greenbaum, *A Study of the National Assessment: Measuring Educational Progress* (New York: McGraw-Hill, 1977); Jean Fair, ed., *National Assessment and Social Studies Education* (Washington, D.C.: National Council for the Social Studies, 1975); Simon S. Johnson, *Update on Education: A Digest of the National Assessment of Educational Progress* (Denver: Education Commission of the States, 1975); NAEP, *Changes in Political Knowledge and Attitudes, 1969-76, op. cit.*, NAEP, *Education for Citizenship: A Bicentennial Survey, op. cit.*
46. See a discussion on the methodological problems in Ruth S. Jones, "Democratic

Cognitions and Participation: Evidence from the National Assessment of Educational Progress Surveys," *op. cit.*

47. See Mary A. Hepburn, "How Do We Know What They Know?" *Teaching Political Science,* Vol.7, No. 4 (July 1980): 425-38.
48. David Easton, *A Framework for Political Analysis* (Englewood Cliffs, N.J.: Prentice-Hall, 1965); David Easton and Jack Dennis, *Children in the Political System: Origins of Political Legitimacy, op. cit.*
49. See Richard E. Dawson, Kenneth Prewitt and Karen S. Dawson, *Political Socialization, op. cit.*
50. NAEP, *Education for Citizenship: A Bicentennial Survey, op. cit.,* p. 31.
51. *Ibid.*
52. *Ibid.,* pp. 33-35.

WHAT DO ADULTS KNOW AND BELIEVE ABOUT THE CONSTITUTION?

Peter F. Nardulli

The purpose of this paper is to summarize and analyze "What Adults Know and Believe About the Constitution." In addition, the author was asked to consider the impact that our educational system could have upon citizen perceptions of this nation's most fundamental political document. This is both an impossible and an eminently doable task. It is impossible, because we know very little about what people think or know about most aspects of the Constitution. No one has bothered to ask adults about bills of attainder, the necessary and proper clause, granting titles of nobility, the full faith and credit provision, etc. What we do know in this area has to do with a fairly limited but well defined and important part of the Constitution—the Bill of Rights.

While the Bill of Rights is only one small part of the Constitution, its importance cannot be overestimated. It defines the legal and political relationship of the government to the people. Because there are many gray areas in this relationship, people's perceptions of the basic liberties defined in the Bill of Rights can have an important effect upon how government officials respond to situations in these gray areas and how people respond to their government. Such popular perceptions can be an integral part of constitutional dynamics and can affect the future of this country as it enters its third century. They are all the more important in an era when newsrooms are being searched; news reporters are being jailed; preventive detention laws are being considered and enacted; illegal immigrants, uncertain of their status and afraid to assert their rights, are being abused; and when technological advances are making possible intrusions into the privacy of citizens which the Founding Fathers never imagined.

Adult Perceptions of Civil Liberties

While virtually all survey research on constitutional issues has focused on civil liberties, or closely related matters, no comprehensive inventory exists on how adults feel about these basic rights. All we have is a series of national surveys run by different groups at different times on different issues. The haphazard nature of these inquiries cannot be stressed enough. Little consensus exists among pollsters on what questions to ask, how to ask them, or when to ask them. This works against the cumulative development of knowledge in this area. The manner in which questions are phrased and their timing can have an important effect upon responses. Questions that include the name of specific groups or list specific activities, for example, can affect a respondent's support for a specific right.[1] Also, polling organizations generally conduct surveys about issues arising from specific conditions at the time of the survey. They ask questions about topics when events make these topics an issue. This could, and probably does, have a marked impact on the results.[2] The response to an abstract question about basic constitutional rights may be the result of current public concerns rather than an enduring understanding of those basic rights.

Looking over the past decade or so, it is possible to point to a set of polls that deal with the most basic civil liberties. These include freedom of speech, restrictions against unreasonable search and seizure, the right to privacy, the right to reasonable bail, and freedom of religion. Most notably lacking here are polls relating to those rights accruing to persons accused of committing a crime and those rights emanating from the thirteenth through the fifteenth amendments, the Civil War amendments. One last point needs to be made. Most surveys have dealt with people's support for or tolerance of basic civil liberties, rather than their knowledge of them. While the two are by no means the same, the question of tolerance is by far the most important for present purposes.

Freedom of Speech

Without question the issue of greatest concern to pollsters, both currently and historically, is freedom of speech. Many consider it the most fundamental of all civil liberties. Given this, the results produced by various surveys are somewhat unsettling. A December 1979 Gallup Poll, for example, found that 76 percent of American adults surveyed did not know what the First Amendment dealt with. But this by itself is not so disturbing: it does not indicate that people do not identify with or support freedom of speech. Indeed, Americans traditionally have supported the abstract concept of freedom of speech almost unanimously. Support ranges from 95 to 98 percent.[3] However, this support drops off dramatically when less abstract questions are posed, as can be seen in Graphs 1 and 2.[4] Graph 1 reports support for the free speech of unspecified extremists. As is evident, the level of tolerance is considerably diminished; it ranges between 40 and 50 percent of the population. When the inquiry concerns freedom of speech for communists or fascists support drops even further, to the 20 percent range, as shown in Graph 2.

It should be stressed that the intolerance evidenced in the data discussed above is not merely reserved for extremists as is shown in an August 1973 Harris Poll. The results, reported in Table 1, show strong support, although not pluralities, for a number of repressive steps. Particularly disturbing is that over 40 percent of adults support some type of censorship or review, and the banning of revolutionary newspapers. It should be stressed that this survey was conducted when the Vietnam experience still tormented the country. Nevertheless, the same poll also showed that the public opposed repressive measures *actually undertaken* during the early 1970s. For example, only 17 percent thought the Nixon enemies list was justified, while 68 percent thought it repressive. The raid on the offices of Daniel Ellsberg's psychiatrist was approved by only 10 percent; 69 percent deemed it repressive.

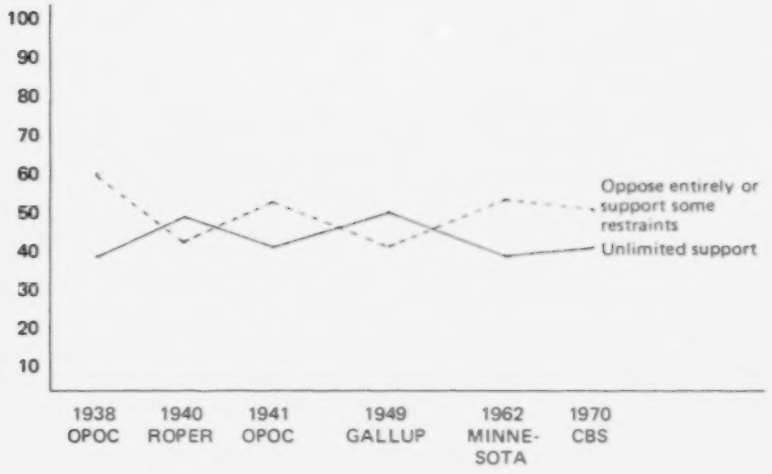
Another freedom of speech issue examined by pollsters is freedom of the press. It poses somewhat different issues for most respondents, because, unlike communists, fascists, and antiwar activists, the newspaper is a venerable American institution. During the last generation, radio and television have begun to establish themselves as well. The question of support for the basic rights of these institutions has usually been posed in terms of the need for government controls on the press. Until recently, the percentage of respondents opposing more government controls has been double that supporting more government controls. For example, a 1958 Gallup Poll showed that 58 percent of respondents opposed greater government controls, while 21 percent supported them. A 1971 Harris Poll showed that 28 percent of those questioned were in favor of fewer government controls, while 10 percent wanted more. Another 58 percent supported the status quo, and 10 percent had no opinion. Despite the strong historical support for the press, a 1980 Gallup Poll found that the relative proportions opposing and supporting greater controls had reversed. Thirty-seven percent thought the present curbs on the press were insufficient, while only 17 percent thought they were too strict. Another 32 percent thought controls were just about right and 14 percent had no opinion.

Three main reasons were offered by respondents who favored greater curbs. They commented that what papers printed was not always in the best interest of the nation, that they distorted and exaggerated the news for commercial benefit, and that reporters did not spend enough time getting the facts straight. Despite the abrupt turnabout in the polls concerning support for the press, it should be noted that the same Gallup Poll revealed an increase in support for one of its most essential tools—confidentiality of sources. It showed that 69 percent of those polled believed that reporters should not have to reveal their sources. This is up from a 1972 Harris Poll which found that only 57 percent of the respondents supported confidentiality.

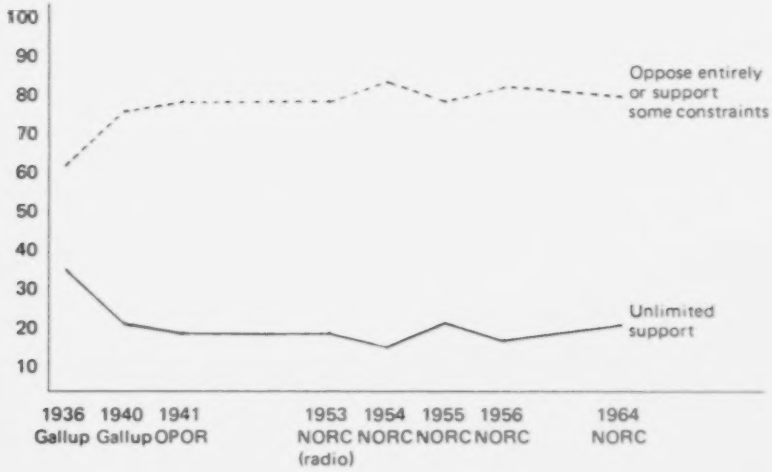
Privacy

Outside the free speech area, civil liberty survey results are scarce and sporadic. However, one area that has attracted some recent attention is the right to privacy. Interest in privacy has been sparked by such things as the

GRAPH 1
Freedom of Speech for Unspecified Groups



GRAPH 2
Freedom of Speech for Communists and/or Fascists



abortion controversy, the plight of illegal immigrants, well-publicized drug raids on the homes of innocent families, and the existence of strip search policies in major urban police departments. In February 1973 the Harris organization asked respondents whether they felt a greater need for crackdowns on individuals or a greater need for safeguards for privacy and individual freedom.. Fifty-six percent favored more safeguards, while 34 percent favored stricter crackdowns. While this is a fairly healthy majority supporting greater safeguards, more concrete questions elicit less tolerant responses. For example, a February 1978 Gallup Poll asked people whether every U.S. citizen should be required to carry a national identification card, such as a social security card.[8] Sixty-five percent of those questioned supported the idea, while only 30 percent opposed it. A different policy related issue was asked in a 1971 Harris Poll. It concerned "no knock" laws which permit law enforcement officers to enter a drug suspect's house without a search warrant. Forty-five percent of those responding supported such a law, while 51 percent opposed it; the remainder had no opinion.

Religion and Excessive Bail

Two other areas that have been covered in recent polls are freedom of religion, as it relates to the school prayer controversy, and the right to bail, as

TABLE 1
Citizen Views of Various Steps to Restore Stability and Order
(Harris Nationwide Poll—August 1973)

	Favor	Oppose	Not Sure
All protest meetings should be reviewed in advance by government authorities to be sure that what people are protesting is legitimate and will not urge others to overthrow the system	43	47	10
Authorities should be given the right to censor films, TV, radio, and theatre for unpatriotic or revolutionary content	43	47	10
Newspapers which preach revolution should be banned from circulation	40	51	9
A law to make campus protests grounds for expulsion from college	38	49	13
Meetings to denounce the President should be banned	34	57	9
No one should be allowed to have pornographic (dirty) books, pictures, or movies in his possession	27	64	9

it relates to preventive detention laws. Regarding the school prayer issue, an October 1971 Gallup Poll asked:

> The U.S. Supreme Court has ruled that no state or local government may require the reading of the Lord's Prayer or Bible verses in public schools. What are your views on this? Do you approve or disapprove of this?

Sixty-seven percent of the respondents disapproved of the court's ruling, while only 27 percent approved. Six percent had no opinion. What is perhaps most remarkable about this finding is that if people were asked if they supported freedom of religion, near unanimity would undoubtedly result. But, as in the case of free speech, tolerance decreases as the issues posed become more concrete. On the issue of bail, a 1971 Harris Poll found that 59 percent of the respondents favored a preventive detention law; only 30 percent opposed it. As posed in the question, the law would permit judges to deny bail to defendants charged with a criminal offense who had a previous criminal record.

Factors Affecting Tolerance

Any serious attempt to analyze the meaning of adult views on basic civil liberties must take into account the factors that influence these views. It is all the more important if one is concerned with developing strategies and techniques for having an impact upon those views. Fortunately, those who have studied people's tolerance for civil liberties—whether in the area of free speech, religion, privacy, or whatever—have paid some attention to these matters.[9] While the categories developed and utilized by these scholars are rather simple and by no means definitive, they do provide a sound beginning and will help foster discussion and future research.

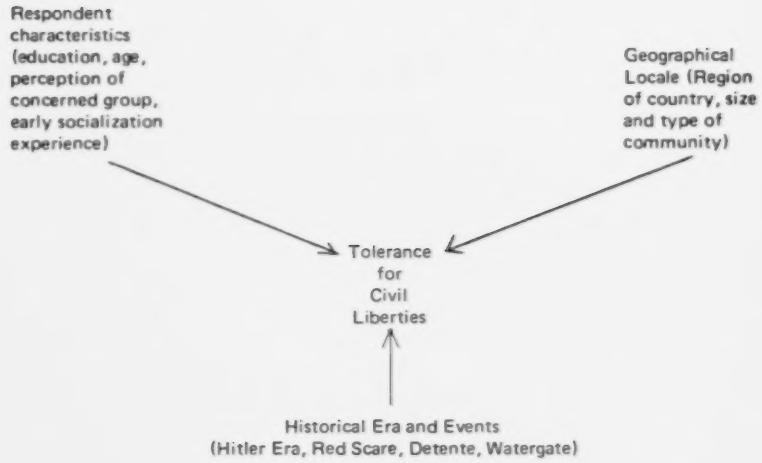
The various factors considered to date may be categorized into three groups and are depicted in Diagram 1. Although they are presented as independent categories, their interdependencies should be stressed. The region in which someone grows up, for example, may well affect that person's perception of radical groups and, thus, his tolerance for the exercise of their civil liberties. In addition, the salience and hence impact, of historical events or trends may differ from one region to another. This, too, may result in differing impacts upon tolerance. These interdependencies will become clearer in the discussion of each broad category.

Historical Era and Events

The impact of an historical era or series of events is often only indirect. Moreover, they are virtually impossible to control—at least in the short run. This makes their utility as a policy tool very limited. Nevertheless, a consideration of these factors is essential. They may place upper or lower limits on tolerance for both the present and the future. Also, a sensitivity or awareness of such factors is useful for interpreting the results of various polls, many of which are in response to a given event or series of events and may be terribly biased.

The strongest argument, and best supporting evidence, for the role of

DIAGRAM 1
Model of General Factors Affecting Tolerance


Respondent characteristics (education, age, perception of concerned group, early socialization experience)
Geographical Locale (Region of country, size and type of community)
Tolerance for Civil Liberties
Historical Era and Events (Hitler Era, Red Scare, Detente, Watergate)

historical factors upon tolerance for civil liberties is found in an article by Hazel Erskine and Richard Seigel.[7] Their principal thesis is that American society has undergone some fundamental changes in the past several decades, and that these changes have manifested themselves in enhanced respect for civil liberties in a number of areas. One is clearly the area of free speech for extremists. Support for this assertion is found in a NORC replication of work done by Samuel Stouffer in 1954. The questions asked in these surveys concerned respondents' views on the right of various extremist groups to speak in their communities, to have a book in the local library, and to teach in a college. The groups included communists, atheists, and those favoring government control of major industries. The results are reproduced in Table 2. They strongly support the notion of a dramatic increase in tolerance. While part of this increase may be attributable to a general increase in the educational level of adults, the authors feel it is largely due to the decline of McCarthyism, the beginnings of detente, the stabilization of China, and other such things.

While the data in Table 2 are perhaps the most impressive garnered by Erskine and Seigel other pieces of evidence are also reported. They note, for example, that current polls show that 95 percent of Americans feel that blacks should have the same job opportunity as whites: In 1944 only 42 percent of Americans felt that way.[8] They also note that:

> Diminished expressed prejudice in regard to voting for specific minorities has been impressive. In 1937 only 64 percent were willing to say that they would

vote for a qualified Catholic for president, 46 percent for a Jew, and 21 percent for a woman. Twenty years later these three figures had grown to 68 percent for a Catholic and jumped to 62 percent for a Jew and 21 percent for a woman. When the same question was first asked about a black for President in 1957, only 38 percent claimed to be equalitarian. Today nine out of ten say they would vote for a qualified Catholic or Jew, eight of ten for a qualified black or woman candidate (NORC).

These and other changes in attitude quite likely reflect the impact of the civil rights movement and its offshoots. Attitudes on premarital sex, abortion, and pornography were undoubtedly influenced by the antiwar movement, which led to an unprecedented challenging of traditional institutions and authority patterns in American society. After reviewing the steady decline in citizen confidence in fundamental institutions, Erskine and Seigel note that:

> Such a drop in respect for the pillars of society is surely evidence of a culture that is in transition, unsure of its most solid foundations. American values and support for institutions are in flux with perhaps the greatest change occurring in the area of equality and sexual morality. As old standards have been questioned, new views have emerged. Some people adopt a new outlook, others cling to the status quo. Still others are left not knowing where they stand. We hypothesize that people who accept the new views are the ones who make the major contribution to opinion shifts, but that those who are rendered uncertain of their values also begin to think twice before throwing stones at those who challenge the old standards.[9]

TABLE 2
Willingness to Grant First Amendment Rights to Extremists
(Percent Willing)

Type of Freedom	Year	Admitted Communist	Against Religion	For Government Ownership
To speak	1954	27	37	58
	1972	52	65	77
	1973	60	65	77
	1974	58	62	75
To have book in library	1954	27	35	52
	1972	53	60	67
	1973	58	61	71
	1974	58	60	69
To teach	1954	6	12	33
	1972	32	40	56
	1973	39	41	57
	1974	42	42	57

Geographic Locale

Of the three general types of factors, this is one of the most examined but least developed conceptually. Reports of findings from virtually every nationwide polling organization are broken down by region as well as by size or type of community. Some studies have even been so structured that samples of individuals have been selected from different regions of the country to facilitate the analysis of regional impact. However, those involved in civil liberties research have not subjected these regional considerations to much rigorous theoretical analysis. It has simply been presumed that people from the East and West are more liberal than those from other parts of the country and that urbanites are more liberal than folks from small towns and rural areas. However, not much thought has gone into untangling the forces that lead to these expectations. Also, sophisticated multivariate analyses by and large have not been undertaken to separate the effects of such things as differing education and income levels from those of region. These reservations must be kept in mind as we turn to some of the polls cited earlier to assess and demonstrate the impact of geographic locales.

When the breakdowns of tolerance by region and city size are examined, two things become clear. First, meaningful differences do not always emerge; second, when differences do emerge, they are not always consistent. For example, when breakdowns for questions concerning knowledge of the First Amendment, prayers in the schools, and preventive detention laws are examined, very little difference in tolerance is observed across region and city size. With regard to views toward the press, a 1972 Gallup Poll showed that residents of larger communities were much more supportive of the confidentiality of news sources than those in smaller communities. By 1979 a similar Gallup Poll showed that these differences were no longer as strong. The 1979 poll did, however, show that support for more government controls on the press was inversely related to community size.

In the area of privacy, the relationships are not much clearer. Support for national identification cards and "no knock" laws is inversely related to community size. But no clear relationship emerges when respondents were asked whether they felt a greater need for crackdowns on permissiveness, or for greater safeguards for privacy and individual freedoms. With regard to the latter question, however, respondents in the West indicated a much stronger desire for safeguards on privacy and individual freedoms than those in other regions. Moreover, westerners and easterners were much more opposed to national identification cards. Region appears to make no difference with regard to views on "no knock" laws.

While there is some support in these data for the notion that residents of larger communities and easterners and westerners are more tolerant of civil liberties, the evidence is not at all reassuring. Moreover, one cannot be at all certain that whatever differences exist will remain over time. The impact of national television as a socializing agent, the industrialization of the South, the increasing mobility of the population, among other things, may well eliminate or modify whatever relationships presently exist. What is needed in the meantime, however, are more sophisticated analyses of region and community type. Their impact upon tolerance should be assessed after control-

ling for more immediate demographic factors (age, education, occupation, income, ideological predispositions, etc.). Moreover, analyses should be done across these various population groupings within the various regions and community types, and over time. Only then will the meaning and dynamics of these geographic factors become clear.

Respondent Characteristics

Perhaps the most accessible factors contained in the general model depicted in Diagram 1 are the objective and subjective personal characteristics of the respondent. Many of these factors are also the most amenable to modification and have, therefore, the greatest potential as policy tools. The relationship between attitudes on civil liberties and personal characteristics has been frequently studied. For present purposes we shall concentrate on such characteristics as education, political activism, age, perception of the threat involved, perception of self interest, and group identification and consciousness.

Education and Political Activism

These two factors will be considered together, because they constitute the core of what might be viewed as an elitist interpretation of variance in civil liberties tolerance. According to this generally accepted view, elites—especially those with college backgrounds and a history of political involvement—will be more tolerant than others. Stouffer, for example, found in his "willingness to tolerate nonconformity" scale that each of fourteen categories of political and social leaders—including very conservative groups—were more tolerant than was the population at large.[10] Even more direct and extensive evidence was provided by McCloskey in a landmark article on consensus and democratic theory. His findings were based on an extensive questionnaire administered to a general sample and to a sample of political influentials drawn from delegates and alternates to the 1956 Democratic and Republican conventions. On a series of questions tapping attitudes toward basic democratic principles (respect of minority rights, free speech, equality, etc.) elites expressed views that were consistently and significantly more "democratic" than those expressed by members of the public at large.[11]

The evidence on education levels and tolerance is equally impressive. Indeed, Nunn contends that education is the most persistently powerful predictor of tolerance.[12] Most studies of tolerance for the civil liberties of others—from the early work of Stouffer to the present work of major polling organizations—have found that adults with at least some college education are markedly more tolerant than others. Moreover, the strength of education goes beyond tolerance for civil liberties; it extends to support for some of the other basic democratic principles embodied in the Constitution. This was made clear in some early work by Prothro and Grigg.[13] A sample of adults in Tallahassee and Ann Arbor were asked about their support for majority rule and respect for minority rights. Respondents who had had at least some college training were much more supportive, as shown in Table 3.

TABLE 3
Percentage of "Democratic" Responses to Basic Principles of Democracy Among Selected Population Groups

	Total (N=244)	Education	
		High (N=137)	Low (N=106)
Majority Rule			
1. Only informed vote*	49.0	61.7	34.7
2. Only taxpayers vote*	21.0	22.7	18.6
3. Bar Negro from office*	80.6	89.7	68.6
4. Bar communist from office*	46.3	56.1	34.0
5. AMA right to bloc voting**	45.0	49.6	39.2
Minority Rights			
6. Allow anti-religious speech**	63.0	77.4	46.5
7. Allow socialist speech**	70.4	90.2	65.7
8. Allow communist speech**	44.0	62.9	23.5
9. Bar Negro from candidacy*	75.5	86.5	60.2
10. Bar communist from candidacy*	41.7	48.1	30.3

*For these statements, disagreement is recorded as the "democratic" response.

**For these statements, agreement is recorded as the "democratic" response. "High education" means more than 12 years of schooling; "low education," 12 years or less.

Two arguments have been advanced to explain the higher levels of tolerance among elites. The first concerns the fact that elites are more apt to be exposed to diverse ideas and to the basics of logical thought. Membership in elite circles also leads individuals to place greater value upon logical thinking and cognitive consistency. This enables elites, indeed compels them, to extend allegiance to abstract principles and to support practical extensions of those principles. A second argument offered to explain elite differences is a structural one. It is suggested that democratic principles and beliefs are not natural and must be learned. The learning process is slowed for those plagued by apathy, ignorance, or provincialism; it is accelerated for those actively involved in the democratic process.

Age

The relationship between age and civil liberties tolerance has long been a concern of scholars. However, because age is not susceptible to modification by policy makers, it is not of as much immediate importance as other factors. Zellman reviews much of the data on age and tolerance and concludes that "over the life cycle, age bears a nonlinear relationship to tolerance. Young chilldren tend to be rather intolerant; as they develop cognitively and their social environment becomes more variegated, tolerance increases."[14] Zellman also points out that there are two different views on how the develop-

ment of tolerance in individuals may be influenced. One is the life cycle explanation. In its simplest form, this explanation holds that people are particularly attracted to certain political positions at specific stages of their life. Thus, the young are especially idealistic and tolerant, while the old are more hardened and intolerant. Also, because the old have more at stake, they have more to lose if the status quo is changed.

A second view attempts to explain the nonlinearity in tolerance across age level. This is the generational model, and it holds that differences across age are not due to natural proclivities but rather to the differing circumstances under which different generations grew up. Those who are 65 or older today grew up during the Depression, the Second World War, and the cold war and hence tend to be less tolerant than those who grew up in the exuberance and instability of the Vietnam War and Watergate era. It is these different socialization experiences, then, that account for nonlinearity across age. Unfortunately, while both models have appealing aspects to them, there is no strong empirical support for one over the other.

Individual Perceptions of Threat

It is almost commonplace to assert that an individual's tolerance for another's civil liberties is inversely related to the perceived threat involved in extending those liberties. But it is also a point too often overlooked. It is this perception, for example, that may account for the marked drop in tolerance observed by so many pollsters when the name of a specific extremist group is mentioned in a free speech question. Moreover, it is very likely that threat perception is what accounts for the increasing intolerance when issues strike close to home (having a black or poor white family move in next door; having your children bussed; losing your job to an affirmative action candidate, etc.).

In addition to the common sense appeal that this factor has, there is some empirical support for it. Table 4, for example, shows the percentage of people supporting various forms of free speech activity for communists, across four different categories of views toward communism. The more favorable the view of communism (the less threat it poses), the greater the tolerance. The same phenomenon was reported twenty years earlier—in an even more direct form—by Stouffer. He asked a national sample of civil leaders, and one composed of ordinary citizens, about the threat posed by communism. He then tabulated tolerance by threat levels for both groups (see Table 5). While levels of tolerance were very different for each group, the impact of perceived threat upon tolerance was quite similar in each group.

Perceived Self-Interest

Erskine and Seigel regard individual perceptions of self-interest as an important, if not always determinative, factor in several civil liberties issues.[15] People are more or less tolerant depending upon where their interests lie. They offer examples in two areas, freedom of religion and privacy. For example, while Protestants have normally opposed aid to parochial schools by

moderate margins (55 percent to 65 percent range), Catholics have usually supported it by wide margins (65 percent to 80 percent range). Empirical support for this proposition in the privacy field may be found in attitudes on wiretapping and searches and seizures. Data from Stouffer and from a 1969 Gallup Poll showed that at that time a majority of Americans did not oppose wiretapping in principle. However, after the Watergate fiasco brought this issue "closer to home," Americans did an abrupt about-face. A 1972 Harris Poll showed that 75 percent of those interviewed felt that wiretapping was a serious threat to privacy. In addition, after a series of highly publicized drug raids on innocent families, a 1973 Harris Poll showed that 73 percent of those polled did not approve of drug raids without a search warrant.

TABLE 4
Tolerance for Free Speech for Communists as a Function of Attitude Toward Communism

"Thinking about all the different kinds of governments in the world today, which of these statements comes closest to how you feel about communism as a form of government."

	"It's the worst kind of all"	"It's bad, but no worse than some others"	"It's all right for some countries"	"It's a good form of government"
Speech in your community allowed?	39 (249)	74 (295)	80 (292)	76 (34)
Suppose he is teaching in a college. Should he be fired?	22 (139)	47 (187)	59 (214)	62 (28)
Book should be removed from the library?	42 (265)	68 (270)	78 (282)	73 (33)

Note: First entry is percentage giving a tolerant response: second entry is N per cell. Data from 1973 NORC survey.

TABLE 5
Perceived Communist Threat and Tolerance (Percentage Tolerant)

Level of Perceived Threat	Leaders	National Cross-Section
No danger	77	42
Hardly any danger	75	49
Some danger	59	42
A great danger	59	32
A very great danger	53	25

Note: Data from Stouffer, 1955.

The level of tolerance an individual expresses may also be influenced by another personal characteristic related to perceived self-interest. Research in the field of social psychology concludes that tolerance of "out groups" (persons not sharing a subject's social characteristics) is related to the degree an individual identifies with persons sharing his or her own characteristics.[16] A recent study by researchers at the University of Michigan states that an individual who expresses close identification with a particular social group or stratum is likely to view individuals not in that group negatively.[17] Group identification, defined as ". . . awareness of similarity in ideas and interests with others sharing the same social characteristics, . ." apparently results in an individual feeling that out-groups compete with his or her own group for political influence.[18] This leads to a negative, intolerant perception of that group, especially if that group is also perceived to have more influence.

These findings may be important in understanding the level of tolerance survey respondents express for the civil liberties of other groups. An individual who feels negatively about someone else is not likely to want to extend to that person equal status. Such a person may also believe that because two groups are competing for political influence, stricter controls should be applied to the out-group's participation strategies if those strategies are perceived as reducing the in-group's democratic liberties. Any "excess" liberties granted to the out-group may be seen as leading to the diminution of an individual's own rights.

Some of the data cited above certainly appear to be consistent with the idea that group status awareness and identification leads to intolerance or undemocratic attitudes. Findings where elites appear more supportive of democratic principles than non-elites might be explained by this group identification concept. Non-elites could perceive themselves as having less political influence and be, therefore, more supportive of stricter (and less democratic) controls on political expression. This is consistent with the Prothro and Grigg conclusions noted earlier.

Whether or not these models prove to be useful rests on further research in the area. However, the argument is appealing. The concept of group identification and consciousness fits nicely in the link between respondent characteristics and tolerance for civil liberties. It may very well be the mechanism by which various objective characteristics (age, race, etc.) are translated into political attitudes and more specifically attitudes toward constitutional rights.

Conclusions

The methodological problem noted earlier and the sporadic nature of survey research on the Constitution make it difficult to draw many firm conclusions from what has just been reviewed. However, several things can be stated, with varying degrees of confidence: (1) people generally support abstract principles embodies in the Constitution, but support drops off considerably as questions become increasingly specific; (2) tolerance for the rights of others seem to be positively related to education and political activism; and (3) very little is known about what people know or feel about other facets of the Constitution.

Abstract Principles

A number of conclusions may be drawn from the common observation that support for basic liberties generally decreases considerably when respondents are presented with very specific situations—especially when the situation involves an extremist group or an unpopular cause. One thing it clearly implies is a failure in the socialization process vis-a-vis civil liberties. Socialization with regard to other political institutions has been more successful and has produced more positive results. Consider the presidency. When the nation is confronted with a major crisis or challenge, particularly an international one, people tend to "rally 'round the flag." In fact, support for a President under these circumstances tends to skyrocket—often regardless of whether the President involved is doing the right things, and regardless of people's prior support for him. Just the opposite occurs in the area of civil liberties. Crises tend to diminish support for civil liberties, and repressive tendencies emerge. Thus, when crime is a problem, people support preventive detention; when illegal immigrants are viewed as a problem, people support national identification cards; when campus riots are a problem, people support expulsion for those students who participate in demonstrations.

Differences among these responses are due largely to socialization. People are taught that we must support the President, because in order to resolve a crisis we must act forcefully and speak with one voice. What they are not taught very well, evidently, is the role of dissent in bad times as well as in good or the value of basic freedoms for everyone, regardless of the situation. What this might reflect is the manner in which civil liberties are presented to students in their formative years. What is needed perhaps is less glorification of "slogans" and more attention to such things as the role of dissent and the conflictual nature of American history. Specific examples of the contributions made by dissidents and the impact they have had could make an important difference in this regard. Moreover, historical and contemporary reviews of human rights abuses in totalitarian regimes, as well as in the United States, would do much to sensitize people to the value of basic liberties.

Before turning from this topic, it must be stressed that all the data dealt with in this review concerned *attitudes* toward basic liberties. This is important to note, because there is often only a very marginal relationship between attitudes and *behavior.* Thus, while many people may not support the right of extremists to talk in their community, very few have ever acted on their predispositions. Although it is comforting to know that Americans are more tolerant in their actions than their attitudes, this does not diminish the need to reexamine the structure of basic political socialization in this country. These attitudes reflect an ignorance of the role that basic liberties play in a democratic society and can lead to calculated decisions by government officials and others to encroach upon these freedoms.

Education, Political Activity, and Tolerance

Although this review demonstrated that a number of factors may affect an individual's tolerance, the most important of these for present purposes

are education and political activity. They represent avenues through which policy makers can have a positive impact upon tolerance. While it will never be possible, or even wise, to "force" everyone to obtain some college education or to engage in some political activity, the lessons learned from such experiences could perhaps be conveyed just as easily to high school students. What needs to be done is to isolate what it is about a college curriculum or environment and enhanced political activity, that makes people more tolerant. Once this is done, it may be possible to develop innovative teaching techniques that can incorporate these insights at the high school level.

Other Facets of the Constitution

One last point that needs to be dealt with here is the dearth of information on other facets of the Constitution and the basic processes and guidelines it establishes. We know very little about what people know or feel about these other facets. But, it seems quite probable that if we were to find out what people know in these areas, we would discover they know very little about anything other than the most basic tenets of our constitutional system. While most could undoubtedly identify the three branches of government and the two-tiered nature of federalism, few people would know what powers are allocated to which branches or levels of government. Fewer yet would know or understand the constraints—both legal and political—on the various government entities or the highly complex nature of the interrelationships among them.

Given the likelihood that any nationwide survey would discover that most people know very little about the Constitution, it would seem wise to consider carefully the benefits of any such effort. It might be worthwhile to know about important gaps in knowledge. But it is first necessary to know which gaps are important. Our nation has existed and prospered for over two centuries. During that period, the vast majority of the population has known very little about such important things as the necessary and proper clause, the nature of the Supreme Court's jurisdiction, the requirements for amending the Constitution, and so forth. Moreover, it is unlikely that the nation would have prospered any more had more people been educated in such matters. On the other hand, we are in a period where technological developments provide unprecedented levels of free time and higher levels of education than at any time in the past. These same technological developments, as well as other forces, have led to a level of government involvement in the lives of people uncontemplated by those who founded it. This, in turn, has contributed to a great sense of frustration and contempt for government across all sectors of society. To the extent that a greater understanding of government—its purposes and its limitations—could somehow help people to come to terms with it, then efforts toward developing an inventory of knowledge and needs should be undertaken.

Notes

1. Hazel Erskine, "The Polls: Freedom of Speech," *Public Opinion Quarterly*, Vol. 24 (Fall 1970), p. 484.

2. *Ibid.*, p. 483.
3. *Ibid.*, p. 484.
4. The data used to construct these graphs come from a number of different surveys and involve somewhat different specific questions. However, those summarized in Graph 1 all deal with freedom of speech for some unspecieifed group, while those in Graph 2 deal with freedom of speech for communists and fascists. The exact questions posed can be found in Erskine, "The Polls," pp. 484-91.
5. Results of a 1976 survey conducted by the Center for Political Studies at the University of Michigan showed 60 percent opposed the requirement of a national identification card. Gallup's question included the phrase ". . . such as a social security card. . . ." The acceptability of carrying a social security card may have biased the results of a question concerning national identification cards.
6. See Gail Zellman, "Antidemocratic Beliefs: A Survey and Some Explanations," *Journal of Social Isues,* Vol. 31 (1975), pp. 31-53; Hazel Erskine and Richard L. Seigel, "Civil Liberties and the American Public," *Journal of Social Issues,* Vol. 31 (1975), pp. 13-29; Herbert McCloskey, "Consensus and Ideology in American Politics," *American Political Science Review,* Vol. 58 (1954), pp. 361-67; James W. Prothro and Charles M. Grigg, "Fundamental Principles of Democracy: Bases of Agreement and Disagreement," *Journal of Politics,* Vol. 22 (1960), pp. 276-94; and Samuel A. Stouffer, *Communism, Conformity and Civil Liberties* (Garden City, N.Y.: Doubleday, 1955).
7. Erskine and Seigel, "Civil Liberties and the American Public."
8. *Ibid.*, p. 20.
9. *Ibid.*, p. 23.
10. Stouffer, *Communism, Conformity and Civil Liberties,* chapter 2.
11. McCloskey, "Consensus and Ideology in American Politics."
12. C. Z. Nunn, "Support of Civil Liberties among College Students," *Social Problems,* Vol. 20 (1973), pp. 300-10.
13. Prothro and Grigg, "Fundamental Principles of Democracy."
14. Zellman, "Antidemocratic Beliefs," p. 38.
15. Erskine and Seigel, "Civil Liberties and the American Public," p. 23.
16. Vernon L. Allen and David Wilder, "Categorization, Belief Similarity, and Intergroup Discrimination," *Journal of Personality and Social Psychology* 36 (1975), 971-77; and Dorwin Cartwright and Alvin Zander, *Group Dynamics* (New York: Harper and Row, 1968).
17. Arthur Miller, et al. "Electoral Implications of Group Identification and Consciousness: The Reintroduction of a Concept" (unpublished paper presented at APSA meeting in 1978.
18. *Ibid.*, p. 3.

MANDATES ON THE CONSTITUTION

Charles J. White

Most states require that the public schools teach their students about the U.S. Constitution. Approximately 90 percent of the states explicitly require such instruction, and in states where instruction about the Constitution is not mandated by statute, it may well be required by regulation of the state boards of education. The nearly universal mandates to teach the Constitution complement mandates that require the teaching of U.S. history and mandates that require the teaching of civics and governmental systems.

What, however, is the effect of these mandates on the actual teaching and learning in the nation's classrooms? What is the nature of the instruction about the federal Constitution and the Bill of Rights? How, if at all, do teachers and administrators discover curriculum mandates? What is the role of the state department of education in conveying information about the mandates? What do educators think of the mandates, and how much are they influenced by them in planning and carrying out courses and units? In particular, what opportunities and limitations do statutes and regulations present for those who want to improve or expand instruction about the federal Constitution and the Bill of Rights? Should there be a push for improved instruction under existing state mandates? Or should the existing mandates be changed?

These are but a few of the many questions raised by state instructional mandates. Yet the subject has been little studied, even in the voluminous literature of educational change. One must assume, therefore, that many have concluded that statutory mandates have little or no effect on instruction, and that those interested in educational change should put their energies elsewhere. A recent ABA study, however, suggests that the mandates may have more influence than has generally been believed.[1] The whole question of educational mandates and their effects is complex and multifaceted. Our preliminary research suggests that the subject is worth further study, for it casts an interesting light on the process of educational change, and thereby suggests a number of possibilities to those concerned with educational innovation.

Background of the Study

The American Bar Association's Special Committee on Youth Education for Citizenship (YEFC)[2] considers research one of its important activities. In 1973, YEFC proposed to the Ford Foundation an investigation of the effect of the law—curriculum mandates, textbook adoption laws, laws regarding certification, among others—on the adoption of law-related education.[3] The study was funded in 1974, and work continued from the fall of 1974 to the spring of 1978.

The project was directed by Joel F. Henning, YEFC's staff director at the project's inception. I served as the assistant project director and editor/writer of the book that resulted from the study. Michael Sorgen, a specialist in education law, directed the legal research. He worked full-time on the study from the fall of 1974 to the fall of 1975. (The legal research is current through those years but does not take into account developments that may have occurred since.)

Legal research was followed by empirical research. Teachers and administrators in five sample states were interviewed to learn how they perceived certain educational mandates, how mandates were enforced, and how these educators thought the laws affected school practices. The empirical research phase was directed by Leigh Stelzer, a political scientist who has a special interest in education. The empirical research phase extended from the fall of 1975 to the spring of 1977.

In this paper, I will try to summarize the most important findings of this study as they relate to teaching the Constitution and Bill of Rights, drawing selectively from the final report of the study.[4]

What Is Mandated?

The state's primary responsibility under each state constitution for establishing and maintaining a public school system includes a broad prerogative to specify what shall be taught in the schools. As a corollary to its power to require schooling, each state has authority over educational policy, including selection of courses of study. The state legislatures have traditionally adopted statutes that specify what should be taught in the public schools. State education departments have used the statutes as a basis for developing rules and regulations governing the curriculum. Together, the statutes and regulations constitute the state's curriculum mandates. The mandates constitute a minimum program for local districts. None of the mandates precludes additional course offerings at local discretion, and generally local districts have considerable flexibility in implementing the mandates.

To determine what mandates govern law-related subjects (including, of course, study of the federal Constitution), our legal research phase concentrated on relevant state constitutional provisions and statutes in each of the 50 states. In addition, where available, researchers gathered information on state department of education regulations.[5] We made no attempt to delve into local district policies and regulations, because while each local school district is ultimately responsible for its curriculum, all districts are subordinate to state law. In addition, given the fact that more than 16,000 school dis-

tricts exist in this country, our study lacked the time or resources to determine local policies.

Statutes in almost every state are designed to assure that all students acquire a basic familiarity with the legal-political framework.[6] Statutes in 43 states prescribe study of the constitutions. The vast majority prescribe study of both state and federal constitutions, with four prescribing study of the U.S. Constitution only. In another two states, statutes explicitly give the state board of education authority to prescribe courses. In five other states the statutes are silent, though state department regulations may mandate study of the constitutions.[7]

In general, statutes dealing with the social studies (those dealing with the constitutions, history, and the civic/governmental system) rarely specify in any detail what is to be taught. Most often, the state legislature provides only the barest directives in statutes, seldom going beyond listing broad subject areas. In other words, the legislatures have usually left the content and emphasis of instruction to professional educators in state departments and local districts.

Just as legislatures usually are not specific about the content of mandated topics and courses, they usually do not specify such details as grade level, time allotment, and teaching methods. A partial exception to this generalization, however, is provided by the statutes which distinguish between elementary and secondary schools. As Table 1 shows, only about half the states require instruction on the Constitution at the elementary level, while almost all require such instruction on the secondary level.

Although statutes may be silent on many details of the implementation of the mandates, statutes usually do indicate the values and attitudes that they hope to foster. As Table 2 shows, approximately 80 percent of the states have statutes requiring the inculcation of specific values and attitudes. Many of these deal with moral attitudes such as piety, truth, benevolence, and sobriety. Others speak of "patriotism," "loyalty," "love of country," or "devotion to American institutions and ideals." The codes tend to stress the duties, responsibilities, and obligations of citizenship much more often than they enumerate the rights of citizens. When "law" is mentioned, it is normally preceded by "obedience to" and commingled with "respect for" the flag, the Constitution, and other fundamental values or symbols of our states and nation. As Table 2 shows, in four states these values and attitudes are explicitly linked with either the Bill of Rights or the Constitution.

The statutes are almost always silent as to citizenship skills that might be promoted through mandated courses. Although one might assume that citizenship training in a democracy could entail developing such skills as petitioning, public speaking, debating, bargaining, and decision making, the statutes are generally silent on such points or restrict themselves to mandating the teaching of voting skills. State department of education regulations, however, sometimes do call for instruction in other citizenship skills.[8]

Professor Tyll van Geel has written that "curriculum law is basically a body of law concerned with the allocation of authority and secondarily a body of substantive principles spelling out what the content of the curriculum should be."[9] Our review of the social studies mandates confirms van

TABLE 1
Law-Related Subjects Mandated by Statute in Each State

State	U.S. and State Constitution*	U.S. and State History**	Civic, Governmental System***
Alabama	U.S. Constitution only at elementary level, both at secondary level	Both at elementary level	Both at secondary level
Alaska	No specific statute but State Board of Education authorized to prescribe courses		
Arizona	Both at elementary and secondary levels	Both at elementary and secondary levels	Both at secondary level
Arkansas	–	U.S. history only at elementary level State history only at secondary level	Both at secondary level
California	Both, 6-12	Both at elementary level	Both 6-12, also legal system
Colorado	Both, 7-12	U.S. history only at elementary level, both at secondary level	Both at secondary level
Connecticut	–	U.S. history only at elementary level, both at secondary level	Both at secondary level
Delaware	Both, 8-12	–	–
Florida	U.S. Constitution only at elementary level, both at secondary level	Both at elementary and secondary levels	Both at secondary level
Georgia	Both at elementary and secondary levels	Both at elementary and secondary levels	Both at secondary level
Hawaii	Both at elementary and secondary levels	–	–
Idaho	U.S. Constitution only at elementary level, both at secondary level	Both at elementary and secondary levels	–
Illinois	Both at elementary and secondary levels	U.S. history, also history of Negro race	Both at secondary level, and principles of representative government and method of voting

TABLE 1 (continued)

State	U.S. and State Constitution*	U.S. and State History**	Civic, Governmental System***
Indiana	Both, 6-12	Both at elementary and secondary levels	–
Iowa	Both, 8-12	Both at secondary level	Both at secondary level
Kansas	Both at secondary level	Both at elementary and secondary levels	–
Kentucky	Both at elementary and secondary levels	Both and American traditions at elementary and secondary levels	–
Louisiana	Both, 8-12	U.S. history (*Federalist Papers* and Declaration of Independence) specified at elementary level only	–
Maine	Both at elementary and secondary levels—included in Foundations of American Freedom	Both at elementary level, U.S. history only at secondary level	Both at elementary and secondary levels
Maryland	–	Both at elementary level, U.S. history only at secondary level	Community civics
Massachusetts	Both at elementary and secondary levels	Both at elementary and secondary levels, also local history	Both at elementary and secondary levels
Michigan	Both, 8-12	Both at elementary and secondary levels	Both at secondary level, also local government
Minnesota	Both, 8-12	Both at elementary level, U.S. history only at secondary level	Social problems at secondary level
Mississippi	Both at secondary level	Both at elementary and secondary levels	Both at elementary and secondary levels, also local government
Missouri	Both, 7-12	Both, 7-12	U.S. government system at secondary level only

TABLE 1 (continued)

State	U.S. and State Constitution*	U.S. and State History**	Civic, Governmental System***
Montana	–	Both at elementary and secondary levels	U.S. government system at secondary level only
Nebraska	Both at elementary and secondary levels	Both at elementary level, U.S. history only at secondary level	U.S. government system at secondary level only
Nevada	Both at elementary and secondary levels	Both at elementary and secondary levels	Both at elementary and secondary levels
New Hampshire	Both, 8-12	U.S. history at secondary level only	–
New Jersey	Both, 7-12	Both at elementary and secondary levels	Both at elementary level
New Mexico	State Board of Education prescribes grades	Both and Declaration of Independence at elementary and secondary levels	State Board of Education prescribes grades
New York	Both at elementary and secondary levels	Both at elementary and secondary levels	–
North Carolina	State Board of Education authority to prescribe course.		
North Dakota	Both, 7-12	Both at elementary level, U.S. history at secondary level only	Both at secondary level
Ohio	Both at elementary and secondary levels	Both at elementary and secondary levels	Both at elementary and secondary levels, also local government
Oklahoma	–	Both at elementary and secondary levels	Both at elementary and secondary levels
Oregon	Both at elementary grade 8, U.S. Constitution only at secondary level	–	–
Pennsylvania	Both, 7-12	Both at elementary and secondary levels	Both at elementary and secondary levels

TABLE 1 (continued)

State	U.S. and State Constitution*	U.S. and State History**	Civic, Governmental System***
Rhode Island	Both at secondary level	Both, 4-12	Both at elementary and secondary levels
South Carolina	Both at elementary and secondary levels	Both at elementary and secondary levels	–
South Dakota	Both, 8-12	–	–
Tennessee	Both at secondary level	Both at elementary and secondary levels, also Negro history	U.S. government system at secondary level only
Texas	Both at elementary level, U.S. Constitution only at secondary level	–	–
Vermont	Both at elementary and secondary levels	Both at elementary level	Both at elementary and secondary levels
Virginia	Both at elementary and secondary levels	Both at elementary and secondary levels	Both at secondary level
Washington	Both at elementary and secondary levels	Both at elementary and secondary levels	Both at secondary level
West Virginia	Both at elementary and secondary levels	Both at elementary and secondary levels	Both at elementary and secondary levels
Wisconsin	Both at secondary level	Both at elementary and secondary levels	–
Wyoming	Both at elementary and secondary levels	–	–

Note: This table includes only statewide mandates. Nothing precludes additional course offerings at local discretion.

*Explicit requirements to teach about constitutions.

**Explicit requirement to teach history; includes mandates on use of specific historical documents (e.g., Declaration of Independence, *Federalist Papers*).

***Explicit requirement to teach civics, government system and process; includes also California provision on legal system.

TABLE 2

Value Systems to be Taught or Avoided, as Mandated by Statute in Each State

State	Individual Rights, Responsibilities, Attitudes: Moral and Citizenship Education*	Specific Doctrine**
Alabama	–	Evils of communism
Alaska	No specific statute but State Board of Education authorized to prescribe courses	
Arizona	–	Free enterprise, no racism
Arkansas	–	–
California	Morality, K-6; legal rights and duties, 7-12	Problems of communism; no racism or sexism
Colorado	–	–
Connecticut	Duties, responsibilities and rights of citizenship, at elementary and secondary level	No racism
Delaware	–	–
Florida	Morality	Americanism vs. communism
Georgia	Devotion to American institutions and ideals	–
Hawaii	–	–
Idaho	Citizenship at secondary level only	No sectarianism
Illinois	Morality at elementary and secondary level, patriotism	No racism
Indiana	Morality, obedience to law at elementary and secondary level; good behavior at elementary level only	No racism
Iowa	Citizenship	–
Kansas	Patriotism and duties of citizens	No sectarianism
Kentucky	Morality, rights and duties in this democracy at elementary and secondary levels	–
Louisiana	–	Evils of socialism and communism, benefits of free enterprise system
Maine	Morality, privileges and responsibilities of citizenship, and importance of voting	–
Maryland	–	–
Massachusetts	Morality, justice, and Bill of Rights	–
Michigan	Morality, justice, rights and responsibilities of citizens	No racism

TABLE 2 (continued)

State	Individual Rights, Responsibilities, Attitudes: Moral and Citizenship Education*	Specific Doctrine**
Minnesota	Citizenship at elementary and secondary levels	–
Mississippi	Duties and obligations of citizenship, patriotism, respect for and obedience to law	Americanism, nature and threat of communism; no doctrinal, sectarian denominational doctrine
Missouri	–	–
Montana	Duties of citizenship	Benefits of U.S. form of government, dangers and fallacies of nazism, communism
Nebraska	Morality, obedience to law and citizenship	–
Nevada	Duties, citizenship, love of country and loyalty	No sectarian, denominational doctrine
New Hampshire	–	No subversive doctrine
New Jersey	Voting privilege	–
New Mexico	–	–
New York	Patriotism, citizenship and Bill of Rights week	Communism: methods and destructive effects
North Carolina	–	Americanism and free enterprise system
North Dakota	Patriotism	–
Ohio	–	–
Oklahoma	Citizenship and obedience to law	–
Oregon	Morality, respect for Constitution, obedience to law and citizenship	–
Pennsylvania	Loyalty, solemn duty to exercise voting privilege	–
Rhode Island	Morality	–
South Carolina	Good behavior and loyalty	–
South Dakota	Patriotism	–
Tennessee	Skills basic to citizenship in American democracy–privileges and duties	–
Texas	Patriotism (10 minutes instruction per day)	Benefits of free enterprise system
Utah	Morality, obedience to law, habits and qualities of upright and desirable citizenry	–

TABLE 2 (continued)

State	Individual Rights, Responsibilities, Attitudes: Moral and Citizenship Education*	Specific Doctrine**
Vermont	Patriotism, loyalty, and good citizenship	No propaganda or subversion
Virginia	Bill of Rights	–
Washington	–	–
West Virginia	–	–
Wisconsin	Citizenship	–
Wyoming	Devotion to American ideals	–

Note: This table includes only statewide mandates. Nothing precludes additional course offerings at local discretion.

*Explicit requirements dealing with moral and citizenship education: includes specifically enumerated attitudes and principles; individual rights, duties, responsibilities: loyalty, obedience, respect. The wording is indicated in the table. Also includes "importance of voting" because this pertains to attitude formation and skill development, but note that Illinois "method of voting" is placed in Table 5 (third column) because it is related to understanding of government process.

**Explicit requirements dealing with teaching about political, economic, and social doctrines, such as Americanism, communism, free enterprise; and prohibitions of racism, sectarianism, partisanship, and the like.

Geel's hypothesis. A quick look at some of the actual statutory language regarding teaching the Constitution and Bill of Rights also suggests that legislatures generally are content to leave the details to professional educators. To cite some examples:

- The Ohio statute calls for "Basic instruction in . . . the Declaration of Independence, the United States Constitution and the Constitution of the State of Ohio. . . ."
- The Virginia statute says that "An outline shall likewise be given of the Constitution of the United States and the general principles of the Constitution shall be carefully explained."
- The Illinois statute calls for instruction about "American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois. . . ." The statute goes on to discuss education about the proper use and display of the American flag. And the statute contains the specific injunction that "No student shall receive a certificate of graduation without passing a satisfactory examination upon such subjects."
- A California statute explicitly encouraging law-related education calls for ". . . instruction in our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of

citizens under the criminal and civil law and the State and Federal Constitutions. . . ."

There are, of course, exceptions to these very general statutes. Some states have either provided details about how the Constitution should be taught, or have specified what values they hope to further by teaching the Constitution. Texas has done both. One Texas statute requires a combined course in the constitutions of the United States and the state of Texas which ". . . shall be given for at least one-half hour each week in the school year or at least one hour each week for one-half of the school year or the equivalent thereof. No student shall be graduated from any public free high school in the state who has not passed a satisfactory examination in the course of instruction herein described." A Texas legislative resolution seeks to promote ". . . state and national unity through a more adequate knowledge and appreciation of the fundamental principles and ideals of the Constitution of the United States and of the state of Texas. . . ." It suggests teaching students that these documents contain ". . . the source of all liberties, citizen responsibilities, freedoms and rights enjoyed in the United States of America and the State of Texas. . . ."

Pennsylvania is another exception. Two statutes go into great detail on the values the legislature hopes to inculcate through teaching the Constitution. One suggests that the study of the state and federal constitutions ". . . .shall also be such as will emphasize the good, worthwhile and best features and points of the social, economic and cultural development, the growth of the American family life, high standard of living of the United States citizen, the privileges enjoyed by such citizens, their heritage and its derivations of and in our principles of government."

The other Pennsylvania statute calls for ". . . instruction in the fundamental principles of our form of government, and understanding of the provisions of the Constitution of the Commonwealth of Pennsylvania and the Constitution of the United States of America, the values to be found in the freedom of speech, religion, and of the press, the values to be found in obedience to the laws of the land and the Commonwealth, the importance of exercising the right of franchise, the obligation of every citizen to stand ready to defend our country at all times from infiltration or aggression by those whose acts and ideologies are contrary to our American philosophy of life."

Enforcing the Mandates

In most of the states that mandate the teaching of the Constitution, there are sanctions for not complying with the mandates. Table 3 itemizes both sanctions aimed at students—course requirements for promotion and graduation—and sanctions aimed at teachers, principals, and other employees. As Table 3 shows, thirteen states specifically require that students pass courses in either the U.S. Constitution or in the state constitution before they may graduate from the public schools.

A number of the enforcement provisions are directed at local school districts or at educators employed by these districts. In some states, the state education department has the authority to visit, inspect, and examine local

TABLE 3
Compliance Measures and Sanctions for Failure to Comply, as Provided by Statute in Each State

State	Course Requirements for Promotion and Graduation*	Sanctions**
Alabama	U.S. government and civics	Reports
Alaska	Prescribed offerings (or equivalent)	Accreditation granted or withheld, State Department of Education investigates, may order school to cease conferring diplomas
Arizona	History, constitutions, and free enterprise	–
Arkansas	History, civics	Teachers and school officials can be fined, imprisoned, removed; school charters can be revoked
California	U.S. history, U.S. government (or equivalent)	Reports, inspection, accreditation withheld
Colorado	–	–
Connecticut	History, government, citizenship (or equivalent)	Reports
Delaware	Social studies	–
Florida	U.S. history, U.S. government, Americanism vs. communism	Accreditation withheld
Georgia	History, government (test)	–
Hawaii	State Department of Education authorization	–
Idaho	U.S. history, U.S. government	Accreditation withheld
Illinois	Patriotism, representative government, U.S. history at elementary level only (test)	Reports, reduction in teacher pay
Indiana	Government, citizenship, and U.S. history	Fine teachers or principals, revoke licenses
Iowa	Government, history	–
Kansas	U.S. Constitution, government	–
Kentucky	Social studies (or equivalent)	Reports, state can withhold funds
Louisiana	U.S. history, constitutions, and communism	–
Maine	U.S. history, U.S. government, and constitutions	–
Maryland	U.S. history	–

TABLE 3 (continued)

State	Course Requirements for Promotion and Graduation*	Sanctions**
Massachusetts	–	State Board of Education can withhold funds
Michigan	Citizenship, constitutions (waiver for military service)	Misdemeanor to recommend for graduation a student who hasn't complied with course requirements
Minnesota	U.S. history, citizenship, and social problems	–
Mississippi	Communism, history, and constitutions	–
Missouri	Constitutions, history, and government	Willful failure of teacher, principal, or superintendent cause for termination
Montana	U.S. history and U.S. government	–
Nebraska	–	Misdemeanor, fine, imprisonment
Nevada	Social studies (test) (or equivalent)	State can withhold funds
New Hampshire	U.S. history, social studies	Teachers can be dismissed or fined; accreditation withheld
New Jersey	Constitutions, history, civics (equivalent), credit for instruction in armed forces	Inspection, approval withheld
New Mexico	U.S. history, social studies elective	Reports
New York	All required courses (test)	Inspection, reports, affidavit, license revoked, no state aid and accreditation withheld
North Carolina	Social studies	Report
North Dakota	–	Accreditation withheld
Ohio	All required courses	–
Oklahoma	History, government	–
Oregon	Citizenship, social studies	–
Pennsylvania	Social studies	–
Rhode Island	–	–
South Carolina	U.S. constitution, history, loyalty (test)	Teachers, principals, and superintendents can be dismissed or removed
South Dakota	–	–

TABLE 3 (continued)

State	Course Requirements for Promotion and Graduation*	Sanctions**
Texas	Constitutions, history, government (test)	Any school employee can be fined or removed from office
Tennessee	U.S. history	Misdemeanor for principals; teachers can lose license; school accreditation withheld
Utah	—	—
Vermont	Constitutions, civics, history (equivalent)	—
Virginia	—	—
Washington	Civics, history, government, constitutions	—
West Virginia	Required courses	School employee can be fined or removed
Wisconsin	—	—
Wyoming	Constitutions (test)	School employee can be removed

Note: This table includes only statewide mandates. Nothing precludes additional course offerings at local discretion.

*With the exception of Illinois, these are all high school graduation requirements. "Test" indicates that the student must have taken the courses and passed a standardized examination in lieu of the required course. Michigan and New Jersey waive requirements for those who have served in the military, as noted in text and in table.

**Sanctions include only those found in statutes applying to the mandates. This listing is incomplete because sanctions such as reporting, inspection, and accreditation may be found in other parts of state codes.

school districts, but more often enforcement is anticipated through extensive reporting requirements. In California, for example, teachers must report under oath that they have complied with all rules and regulations pertaining to courses of study before their final paycheck of the year can be approved by the superintendent.

Laws on the books in many states specify sanctions against teachers and principals ranging from fines or withholding of pay, to dismissal from position, or even revocation of credentials. For example, teachers and principals in Indiana who do not include the federal and state constitutions in their civics instruction are subject to fine and license revocation.

Another way of enforcing the mandates is through high school graduation requirements. All but nine states have laws precluding from graduation any student who has not taken the required courses in such areas as the state or federal constitution, history, or civics. Eight states require students to pass an examination before they can graduate. In South Carolina a student

must not only pass a test on the United States Constitution but also satisfy the examiner of his loyalty to that document. Michigan exempts from the civics requirement those students who have enlisted or been inducted into military service, suggesting a close link in legislators' minds between civic education and patriotism.

The sanctions regarding high school graduation requirements may have some teeth in them, but I suspect that the sanctions aimed at school districts and their employees are honored more in the breach than in the observance. Our empirical research, which included conversations with state department of education officials in five sample states, suggests that state officials are generally reluctant to impose sanctions on local districts. In the first place, state officials say that the need seldom arises. Second, state departments are not set up for active supervision of the local curriculum. Third, state law, tradition, and extensive court decisions generally uphold wide areas of discretion for local districts. However, since these laws are on the books, our discussion of curriculum mandates would not be complete without considering them.

What Is Being Taught About the Constitution?

This section and the ones that follow are based on our empirical research.[10] Briefly, this research involved interviews with more than 300 teachers and administrators from 78 secondary schools in five sample states: California, Georgia, Illinois, Pennsylvania, and Texas. The schools were chosen randomly. However, in each high school in the sample our interviewers specifically sought out social studies teachers engaged in law-related studies, so the findings are not representative of social studies teachers in general, but rather of those who identified themselves or were identified by colleagues as dealing in their courses with law-related education, civics, or citizenship.

In these sample schools,[11] 66 social studies teachers (30.8 percent of our sample) reported teaching 71 courses devoted to law; courses devoted to law exist in 48 (63 percent) of the 78 schools our interviewers visited. Of these 71 courses, nine were entitled "The Constitution," and our findings suggest that the Constitution is an important component of nearly all of these 71 courses, no matter what their course title. For example, teachers of 88 percent of these specifically law-related courses indicate that the U.S. Constitution was a topic in the course. Ninety-one percent indicated that landmark constitutional cases were a topic, and 83 percent indicated that constitutional law and interpretation were a topic.[12]

In addition to those teaching separate law-related courses, almost all the other teachers in the study told the interviewers that they included law topics in general social studies courses. Indeed, only three of the teachers whom we interviewed said that they did not deal at all with law topics. Of the 244 general courses reported to include topics or units on law, 80 were on American government/civics and 77 on American history. Eighty-seven percent of the teachers of general courses including law topics said that they dealt with the United States Constitution, 81 percent with landmark constitutional cases, and 67 percent with constitutional law and interpretation.[13]

In answer to another question, almost 75 percent of the teachers of the courses devoted to law said that these courses were added to the curriculum between 1970 and 1976. In contrast, only a third of the teachers of general courses including law topics reported that the law topics were added to that course in the 1970s. Our research suggests that the creation of separate courses in law was facilitated by the new calendars many school systems adopted in the last decade. We found that schools that had mini- or quarter-courses (that is, courses running from 9 to 12 weeks) were more than twice as likely to have courses devoted to law than schools that had terms running for a semester or a year.[14]

The Overall Effect of the Mandates in Sample States

We drew some conclusions from the data of the five-state sample. Teachers in the various sample states differ in how they perceive state mandates, and these differences appear to be closely related to differences in the laws and regulations. In Pennsylvania, teachers think American and world cultures are mandated, probably because the state requires that all students pass a test on the Constitution; in Georgia and Texas, teachers mention state government; in Illinois, teachers mention the constitutions.

TABLE 4
Courses or Topics Social Studies Teachers Believed Were Mandated in Their State

Courses or Topics	California* (N=46)	Georgia* (N=36)	Illinois* (N=43)	Pennsylvania* (N=42)	Texas* (N=42)	All* (N=209)
American history	63%	81%	81%	52%	62%	68%
American government	54	19	5	29	56	33
American culture	0	0	0	26	0	5
State history, state government, state studies	19	47	12	19	28	24
Federal or state constitution	2	5	81	0	10	21
Citizenship, patriotism	9	3	7	2	8	6
Law	11	0	0	0	5	3
Social studies	4	19	5	26	3	11
World history or culture	6	5	0	62	36	10
Consumer education	4	3	28	14	5	11
Free enterprise education	0	0	0	0	20	4
Minority studies	11	0	16	5	3	7
Don't know	11	14	0	7	23	10

*Percentages are based on four responses and add up to more than 100%.

Generally, it seems that teachers' rendition of the mandates is dependent on the state department's rendition of the statutes. In states such as Texas, Illinois, and Georgia, where the state department has transmitted the mandates in some detail, and where there is a strong action component to the mandates—e.g., a requirement that a course be offered or a test be given to students—teachers have a clearer idea of them than do teachers in states that have not turned mandates into courses.

A lack of specificity and explicit action components may explain why teachers fail to note requirements to teach such topics as consumerism, minorities, patriotism, citizenship, constitutions (except Illinois), and the environment, drugs, and law.

As to whether the goals and content of mandates might reach teachers anyway, even if they were unaware of them specifically as mandates, we were unable to determine to what extent mandated topics filter down to teachers through district courses, standard syllabi, state-approved texts, curriculum guides, or other means. However, it does appear that educators are not systematically informed of them. Relatively few became aware of mandates through state department of education publications or formal course work. A more significant source is the teachers' experience on the job. Twenty-eight percent said they picked up the information on the mandates while teaching, counseling, administering a project, revising the curriculum, or "somewhere along the line." The largest number of teachers, 43 percent, learned from administrators in their district. This source may be somewhat formal and systematic, but note that 40 percent of the interviewed administrators said that they had done nothing to acquaint teachers with curriculum mandates.

There is, however, a much more formal process to inform teachers and administrators of *changes* in the mandates. Almost 80 percent of the administrators learn from the state department of education, and over 80 percent of the teachers learn from the school administration.[16]

In seeking to determine the influence of state mandates, we asked teachers to tell us how law courses or law topics originated in their school. We did not ask them about specific topics, such as the Constitution, but their general answers reveal a good deal about how social studies topics enter the curriculum.

Table 5, which shows various influences that teachers report in each state, indicates that the mandates do have some effect. The most striking differences are between Texas and the other four states. Teachers in our Texas sample were far more likely to say that law-related education originated with state requirements and far less likely to say that they had made the crucial decisions themselves. This is no doubt related to the general importance of mandated social studies courses in Texas. Note also that in Illinois, where the state requires students to pass a Constitution Test, it appears that some Illinois teachers saw this requirement as the origin of law studies. In Pennsylvania, where the mandates are essentially "empty baskets," very few teachers saw state requirements as a source of law-related studies.[17]

Table 6 shows how the whole sample (that is, the five-state totals) perceived the effects of the mandates. Some educators thought social studies

TABLE 5
How Teachers Report Origins of Law Studies, by State

Origin of Law-Related Education	California* (N=44)	Georgia* (N=36)	Illinois* (N=40)	Pennsylvania* (N=39)	Texas* (N=41)	All* (N=200)
Teacher's own interest	36%	33%	50%	33%	12%	33%
Curriculum revision	11	19	7	23	7	13
Teachers collectively, other teacher(s)	14	14	10	20	2	12
Administration	0	3	3	0	5	2
Students	16	14	25	31	2	17
Tradition	27	22	10	10	22	19
State requirements	7	8	15	5	46	17
Textbook	2	17	5	0	12	8
Law-related group	5	17	17	8	2	7

*Percentages are based on three responses and add up to more than 100%.

TABLE 6
How Teachers and Administrators (Superintendents and Principals) Perceived the Influence of Social Studies Mandates on Teaching

Influence of Social Studies Mandates	Teachers* (N=197)	Administrators (N=96)
No Influence		
They have no influence	43%	25%
Some Influence		
Mandates reinforce teaching. The subjects would be taught anyway	12	10
Mandates help by telling what is expected	13	13
Mandates tell what is expected but leave a lot of room for additions	16	24
Considerable Influence		
The subjects are taught *because* they are required	17	17
Mandates limit teaching by requiring subjects that are not always relevant or important	3	4
Other	5	7

*Percentages based on two responses.

mandates had not influenced teaching at all. Some respondents gave the interviewers short answers such as "no way," "haven't," "none." Others, like a teacher in a middle-sized Texas city, told us "I pick the ones I want and like, the rest I just forget about." Another from California told us, "They have a minimal effect. There is no enforcement. No one checks."

Administrators are less likely than teachers to say that mandates have no effect, and they are more likely to see the mandates as a minimum requirement leaving room for a great number of local options. A Pennsylvania principal said,

> Until we wised up, they were sort of limiting, but it was just us. What happens is we become tradition bound. They came out with the title "World History," and we taught the course World History. But we've realized that there is actually a lot of flexibility in 9-18-week courses. We can cover more interesting topics that are still under the umbrella of the law.

At the other extreme, less than a fifth of teachers and administrators said that topics were specifically included in response to state requirements. One south Georgia principal said that his school had to conform to the mandates. "We get some dictation regarding funding and accreditation. We must do this [conform to the mandates]. We can't get students into college if the school is not accredited by the state." This was one of very few responses suggesting the possibility of sanctions for failure to teach requirements.

There are many gradations between ignoring the mandates and following them to the letter. Sometimes respondents told us the situation was a little of both and some of another. A superintendent from southeast Texas said, "We follow state guidelines. The teacher will teach much the same with or without the laws."

A principal from a suburb south of Chicago spoke more broadly about the effects of the mandates:

> They have quite an effect on the social studies offering. We have to teach the Constitution on the state and federal levels. We have to make the test easier and easier because everyone has to pass it to graduate. No one's going to hold a kid back from graduating because he didn't pass the Constitution Test, because then you're liable for obstruction of the right to an education and ruining job opportunities, and on and on.

A principal from a Los Angeles suburb was a little more direct. "I do not feel bound by state requirements. I do feel bound, however, by the community."

In general, educators said they did not think social studies mandates were a major factor in shaping the curriculum. But about two-thirds felt the mandates had some effect—helping, directing, reinforcing, requiring. When we asked teachers familiar with the mandates if they were "very important, moderately important, of minor importance, or not important at all to what you teach and how you teach," a third said they were very important. Another third said they were moderately important, and the final third said they were of minor or no importance.[18]

Our findings suggest that teachers do not see the mandates as an imposition. On the contrary, those who report an effect are more likely to see it as beneficial. By a three to one margin, teachers and administrators sug-

gested that the mandates helped their teaching or supported a sound curriculum.

Finally, interviewers asked respondents, "If you had the opportunity, how much would you change the state's social studies requirements?" The single most frequent response of both teachers (25 percent) and administrators (43 percent) was "no change," and there seems to be little consensus about suggested changes, with responses all over the field.

However, by a three to one margin, teachers and administrators who supported changes were more interested in increasing requirements than in decreasing them. One southern California teacher told us, "I would fight like hell to get more. The cutting of requirements hurts my teaching by not allowing me the time needed to cover materials adequately." Teachers most often mentioned the desirability of increased requirements in government (13 percent), law (9 percent), and economics (8 percent). Seven percent, all from Texas and Georgia, wanted a change in the grade level at which courses are taught. A tenth of the Illinois teachers wanted the Constitution Test eliminated.

A theme underlying the responses of those who reject change is that tinkering can only make a good situation bad or a bad situation worse. A department head from a small district on the northern California coast told us, "leave it as it is. There is plenty to teach. Schools are the dumping grounds for all new ideas. There has to be an atmosphere of school rather than a testing ground." The principal of that school came to the same conclusion from a slightly different perspective. "I don't think I would change them at all. They allow for the different needs of the community; each community is a little different. We have the opportunity to fill needs we can identify here." A suburban Chicago principal echoed these feelings: "There would be possibly some local needs that don't necessarily apply statewide. You'll find you limit by mandating too much."

All in all, then, teachers and administrators reported being rather comfortable with their state's mandates. They are not fully aware of them and do not think mandates have a very strong influence, but they support the *idea* of mandates.

A Series of Bad Alternatives?

When we asked respondents, "Is there some way the law has resulted in your doing something you would not have done otherwise or dissuaded you from doing something you might have done?" only 35 percent told us the law had had such an impact. A brief review of our findings on curriculum mandates suggests why two teachers out of three said the law had not required them to do anything they would not otherwise have done. Our legal analysis found that mandates are often vague and general, more like loose guidelines than marching orders. Although statutes may require that a particular course be offered, they almost never suggest a detailed content or method of instruction. State departments of education usually do not follow through with detailed curriculum regulations, but rather produce curriculum guides that are explicitly designed to help local educators create their own programs. State departments often explicitly disclaim the role of enforcer of

curriculum laws. Rather, they see themselves as facilitators for local districts. Legal analysis suggests that mandates permit much latitude for local districts, and our empirical research discovered that respondents did not seem to find mandates constraining, nor did they seem eager to change them.

That being the case, why should mandates and the other laws be changed? If they provide general guidelines for the state without stifling local autonomy and initiative, if they maintain the principle that in a democracy the people and their representatives have a voice in education, if they do not derogate the role and responsibility of professional educators, then why not leave them as they are?

Some would say that they need not be changed, but do need to be made better known. One use of mandates, then, is to call a subject to the attention of educators and the public. They could thus be a springboard for new and improved teaching about the Constitution. Perhaps they could also provide opportunities for working with state departments of education.

Other people would no doubt argue that laws dealing with teaching and learning can do more. Perhaps curriculum laws and regulations can be made more detailed and specific. Perhaps they can provide more direction to education without imposing a sterile uniformity on local efforts.

Each alternative course of action regarding the mandates has potential difficulties. If mandates are left as they are, they risk being meaningless platitudes; if they become thorough, detailed, and embodied in a standard curriculum, they risk stifling the experimental dynamics in education; if they are lessened or eliminated, important topics might be omitted by some districts, and one could argue that the people (through their representatives) would have a lesser role in education.[19]

It is more difficult to justify change, than to justify the retention of an existing system. Those who favor trying to get new mandates could argue that tougher, more specific mandates do have a positive effect. For example, the apparent impact of mandates on free enterprise education in a number of southern and western states is an indication that a specifically worded mandate can result in a course specially devoted to the desired topic. But there is a drawback associated with new mandates. If some people and groups interested in curricular change call for new mandates, will not others also seek mandates for their own curricular favorite? Will more mandates lead to even more mandates until the situation becomes unworkable?

This may be a particularly acute dilemma in states which are experimenting with outcome measures. One can imagine that there could be real competition (say among the economics educators, the free enterprise educators, the consumer educators, and the law-related educations) to get "their" questions included on any test that all students must take. If "their" questions are in the test, and if the test results really matter to students, teachers are going to teach to the test, and so teach the desired subject matter.

In addition, one should not overlook the many practical problems involved in trying to change existing educational mandates. Given the realities of state legislatures, are those concerned with improved teaching about the Constitution and Bill of Rights likely to get the kinds of changes they want? There is no guarantee of this outcome. And finally, as our research suggests,

a new law or regulation, by itself, does not necessarily produce good teaching or solid learning.

If education laws become more directive, there is a risk of infringing too strongly on the classroom, reducing teachers' freedom to act, and encouraging a rather mechanical compliance with law. A very small sub-study we did of eighth-grade teachers in Texas who implemented a new mandate specifically on law-related education indicates that those teachers did not understand the flexibility built into the mandate and the Texas Education Agency's materials on the topic. They did not think they had any latitude. They appear to have complied passively, possibly to the detriment of good teaching.[20]

On the other hand, if mandates are to remain generally vague, part of a loose undirective system, they may have little practical effect. In other words, if only topics are mandated (instead of courses or tests) teachers may have little idea of what they are expected to teach. Though it is possible that mandated topics might find their way into the curriculum even if teachers were not aware of them as state requirements (by such means as curriculum guides or departmental syllabi), we found no evidence that this is the case. In contrast to the illustration provided by the Texas eighth-grade teachers, responses of many educators in the sample suggest that nondirective mandated topics may not be getting through and may not be having any effect at all.

Such analyses lead to a dilemma. If we move toward strengthened laws and regulations we risk a rigid, unresponsive curriculum. But if we stay with loose and unspecific mandates we risk ineffectuality.

A Holistic Approach

There may be a way out of this dilemma. Perhaps there is a holistic legal approach which can foster rationality, quality, and the accountability of schools, while preserving diversity and spontaneity. A first step might be to begin systematic planning, involving a wide spectrum of interested parties in an effort to consider and arrive at a consensus about educational goals. There are a few precedents for this approach to educational laws. The South Dakota legislature recently created a public involvement plan encouraging local districts to meet with students, teachers, administrators, parents, and community leaders to determine educational philosophy and objectives. Educational priorities were agreed upon in Wyoming after extensive discussions coordinated by a state "sounding committee" and were presented to the state board for endorsement.[21] In other words, thinking about mandates might begin with a new look at the many laws dealing with the educational process, with the goal of introducing a measure of consistency and rationality into a disparate series of laws that have rarely been considered as interlinking parts of the system, a portion of an ecology of law and education.

If such broad-based reviews of education law took place, what should be the posture of those who seek educational change? Should those who favor more or better teaching about the Constitution and Bill of Rights seek to create stronger mandates on these topics? Perhaps, but they should not assume that getting a law on the books will automatically create this situa-

tion. Our research suggests that there is a gap between passing a general law and getting a mandated subject into the curriculum.

Much depends on whether a mandate has a specific action component—a requirement that it be offered for a specific number of hours, a requirement that students pass the course for graduation, or a requirement that students pass a test on the subject before they are permitted to graduate.

But if a new mandate has a specific action component, it may strain school resources. Therefore, it would be wise to link the new or strengthened mandate with a comprehensive look at the whole school curriculum, so that teachers are not faced with the problem of cramming yet more material into the finite limits of the school day. Secondly, it would be wise to link the requirements to teach about the Constitution and Bill of Rights with directives designed to help teachers do the job successfully. Mandates could be accompanied by provisions for pre-service and in-service teacher education, by provisions enabling local districts to assess the success of their efforts, and by a special resource publication designed to enhance the quality of instruction. Finally, it would be important that teachers understand why some subjects are mandated and how much responsibility they themselves have for making them work. They will probably not be motivated by the fear of sanctions (only 20 percent of our respondents spoke of enforcement provisions), but they may be motivated by professional interest if the mandates arise out of a broad-based review in which educators themselves play an important part.

Also, much would depend on how teachers learn of mandates. In the five sample states, respondents said they learned of the mandates themselves in a rather hit-or-miss fashion, but they learned of *changes* in the mandates rather systematically, usually from their supervisors. Perhaps this mechanism for informing teachers of changes could be strengthened by extensive teacher education programs designed to introduce the new curriculum. Classroom teachers who participated in pilot demonstrations of the program could introduce creative teaching devices to other teachers. Perhaps the state department of education could put out a special newsletter for teachers, through which the teachers would be encouraged to share their successes and frustrations with the new curriculum. By such means, teachers might come to see the new curriculum not as an imposition from above, but rather as an educational enterprise to which they all could contribute. To convey this sense of possibility to teachers in subsequent years, as well as to prevent mandates from becoming outdated, perhaps the mandates could have "sunset" provisions, keeping them in existence only for a set number of years, after which, presumably, they would be refashioned as part of a new systematic review of relevant laws.[22]

I have dealt so far only with considerations that would arise if the principle of mandated curricula were retained. But isn't it possible that one result of full-scale reviews of laws governing teaching and learning might be a sharp cut-back in the number of mandates, or the total elimination of them? Our research suggested that proponents of law-related education (including presumably those who seek to improve teaching about the Constitution and Bill of Rights) might find a reduction in the number of mandates to their advantage. In many schools, law-related courses came into being as a result of

local curriculum revisions, especially those accompanying the shift from a semester to a quarter system. These changes opened up more opportunities for elective courses, and apparently teachers and students were sufficiently interested in learning about law to add law-related courses at this time. If reduction in the number of state mandates led to an opening up of the curriculum, law-related courses might be added to many schools. Since these courses would come into being because of local assessments of needs and interests and because of the enthusiasm of local teachers and students, they could well be educationally exciting examples of the potential of law-related education.

Of course, a logical corollary of reducing or eliminating mandates might be to provide more flexibility in many other laws regarding teaching and learning. Perhaps instead of subject matter requirements for future teachers, candidates for teaching certificates could be asked to develop competencies in certain broadly defined areas relevant to the state's educational goals. Perhaps other requirements for teacher certification could be liberalized. Perhaps laws dealing with material selection could be revised to put maximum discretion in the hands of local districts.

I must stress, however, that much further research needs to be done before we fully understand the role and potential role of mandates. For example, Tyll van Geel has written, "There is evidence to indicate that states are moving toward a radically different approach to the control of the curriculum; namely, states are attempting to regulate not what goes into the school program, but what comes out, that is achievement in certain basic subjects. . . . Over half the states have now adopted legislation designed to pursue educational accountability."[23] No study of mandates could be complete without study of this development.[24] Future research must look both at statutes and state departments of education regulations relating to outcome measures.

Other possible subjects for further study include an historical look at statutes/regulations regarding the curriculum, to determine how and why laws have changed in the past and what effect this evolution has had on the curriculum. Finally, extensive case studies could be undertaken in several states to give us more information about the entire process of creating and implementing mandates. Researchers might look at the process by which curriculum laws are introduced, debated, amended, and passed, as well as the process by which regulations are promulgated. This could then be followed by a study of how state departments of education transmit information about the mandates to the schools, and how information finally filters down to teachers. Research within the schools could attempt to determine to what extent courses and teaching reflect the mandates and to what extent they reflect other factors.

Though I have suggested alternatives to mandates, it appears they will be with us for many years. Van Geel and other researchers speculate that curriculum mandates will become even more pervasive, as legislatures take longer and harder looks at the schools. Moreover, teachers themselves are disposed to wish for more, rather than fewer, requirements. Those interested in curricular change would be well advised to think hard about mandates, for understanding them is apt to be increasingly important to understanding how and why schools change.

Notes

1. Joel F. Henning, et al., *Mandate for Change: The Impact of Law on Educational Innovation* (Chicago: American Bar Association, 1979). The study was co-published by the Social Science Education Consortium and the ERIC Clearinghouse on Educational Management.
2. The Special Committee was founded a decade ago while Leon Jaworski was president of the ABA. Its goals, from its inception, have been to improve students' understanding of law, the legal process, and the legal system. YEFC's goals do *not* include making students amateur lawyers or necessarily preparing them for legal careers. They do include giving students the knowledge, skills, and understanding they will need to function as citizens in an increasingly complex society. Obviously, improving students' understanding of the Constitution and Bill of Rights is a major way of helping to reach that goal.
3. Freeman Butts' paper, which is part of this collection, points out that the American Bar Association was one of the prime movers in getting mandates about the Constitution and Bill of Rights passed, particularly in the 1920s and 1930s. We were not aware of this early ABA involvement (indeed, embarrassingly, we did not know of it until reading Professor Butts' paper). However, it should be pointed out that previous ABA involvement, as well as the ABA's natural affinities for law and legal process, did not bias the assumptions that underlay this study. We neither anticipated that mandates were efficacious, nor did we anticipate the opposite. We simply realized that this area had been little studied and that research on a national scale might lead to interesting insights on curricular change.
4. Although the ABA Committee's study dealt with a wide variety of laws and regulations, space limitations in this paper permit me to discuss only curriculum mandates. However, other kinds of laws can have a profound impact on teaching and learning. In particular, textbook adoption laws may influence courses more than curriculum mandates *per se*. In a state such as Texas, for example, where state law requires local school districts to choose from a list of no more than five books for the texts of each major course, the legal requirement of statewide lists may influence teaching more than specific mandates on the Constitution.
5. Unfortunately, our researchers were often unable to secure copies of the regulations from state departments of education. Therefore, while our research into statutes is complete for each state, our research into regulations is far more spotty. Since regulations often are far more detailed than statutes, this constitutes a serious limitation on the study.
6. For more on state mandates, see Chapter 3 of *Mandate for Change* (pp. 35-62).
7. See Table 1 for a state-by-state listing of the statutes regarding the federal and state constitutions, U.S. and state history, and the civic/governmental system.
8. See *Mandate for Change*, p. 42.
9. *Authority to Control the School Curriculum: An Appraisal of Rights in Conflict*, 1975, p. 5 (report of a project conducted under Grant #NE-G-00-3-0069, awarded by the National Institute of Education). This report was largely incorporated in van Geel's *Authority to Control the School Program* (Lexington, Mass.: Lexington Books, 1976).
10. The methodology of the empirical research phase of the study is described at some length on pages 4-6 and 307-315 of *Mandate for Change*.
11. See Chapter 2 of *Mandate for Change* (pp. 18-33) for a full description of law-related education in these schools.
12. *Mandate for Change*, pp. 22-23.
13. *Mandate for Change*, pp. 22-23.
14. *Mandate for Change*, pp. 28-30.

15. See Chapter 4 of *Mandate for Change* (pp. 63-123) for a full discussion of our findings.
16. *Mandate for Change,* pp. 92-95.
17. *Mandate for Change,* pp. 95, 97.
18. *Mandate for Change,* pp. 97-100.
19. See Chapter 13 of *Mandate for Change* (pp. 289-309) for a fuller discussion of these alternatives.
20. *Mandate for Change,* pp. 295-298.
21. *Mandate for Change,* pp. 299-300.
22. *Mandate for Change,* pp. 300-302.
23. *Authority to Control the School Curriculum,* p. 85.
24. For an interesting look at how law-related educators turned competency-based education to their advantage, see Gerard W. Paradis and Terri L. Langan, "Making Competency-Based Education Work for You," *LRE Project Exchange,* Vol. 1, No. 1 (Spring, 1981). This newsletter is available free of charge by writing YEFC, 1155 E. 60th St., Chicago, Illinois 60637.

TREATMENT OF THE CONSTITUTION IN SECONDARY LEVEL AMERICAN HISTORY TEXTBOOKS

John J. Patrick

Introduction

Page Smith begins his notable study of American constitutional history with the assertion that "no other political document in the history of the human race has had anything approaching the influence of the federal Constitution."[1] He acknowledges that American citizens tend to be very aware and proud of their frame of government. However, Professor Smith laments that "most Americans know far too little about the origins and subsequent history of the document that they so constantly and confidently invoke."[2]

Some critics have claimed that widespread ignorance of constitutional history is associated with inadequate textbooks. Frances FitzGerald has argued that deficient textbook lessons have had "serious consequences, one of which is that students get a rather profound misunderstanding of the Constitution."[3] Others have claimed that trendy topics have been stressed at the expense of constitutional themes and issues.[4] Are the critics correct? How is constitutional history treated in the general education of citizens?

Two courses in American history, taught commonly in grades 8 and 11, are important sources of evidence about the treatment of the Constitution in precollege education. Secondary school courses in American history are mandated in 42 states and are taught extensively in all 50 states.[5] Some type of course in American history is offered in 93 percent of the nation's school districts.[6]

Basal textbooks used in secondary school American history courses are significant indicators of instruction about the Constitution. According to several nation-wide surveys, textbooks are primary tools in curriculum planning and day-to-day teaching. In most classrooms, basal textbooks are main

sources of course objectives, subject matter, and learning activities.[7] How do American history textbooks treat the Constitution?

Focus of This Study of American History Textbooks

The main purpose of this study is to analyze treatments of the United States Constitution in American history textbooks used at grades eight and eleven. Three main questions guided this study: (1) What is the extent of textbook coverage of constitutional topics? (2) How is the Constitutional Period (1776-1789) treated in the textbooks? (3) How is the development of the Constitution (1789-1980) treated in the textbooks?[8]

Coverage of constitutional topics refers to the proportion of the textbook that is used to teach about the Constitutional Period, the development of the Constitution, and the presentation of the document.

Treatment of the Constitutional Period (1776-1789) refers primarily to the manner in which the textbooks present ideas and information about the events leading to the Constitutional Convention, the events at the Constitutional Convention, and the contest over ratification of the Constitution. In addition, textbooks might include commentary about the content of the ratified Constitution of 1789.

Treatment of the development of the Constitution (1789-1980) refers to the manner in which the textbooks present ideas and information about how the Constitution has been interpreted and changed. Indicators of constitutional development are the 26 Amendments to the Constitution, judicial interpretation through court cases, and adaptation through custom and useage (actions of executive and legislative officials that have led to modifications in interpretations of the Constitution).

Textbooks Selected for Analysis

Textbooks selected for this study have been used extensively (see Table 1). These books are among the leading American history textbooks used in secondary schools across the country.[9] They tend to appear on the adoption lists of the 22 states with formal state-wide textbook selection procedures.

Book I-E has been the best-selling American history textbook at the eighth grade. Until recently, I-A was the long-standing leader. Book I-D is in a third edition, and I-B and I-C are new texts that are regarded highly.

Book II-B is the traditional best seller at the 11th grade. Experts have estimated that this book holds about one-third of the overall market for eleventh-grade history texts. Book II-D is regarded as a major new challenger to II-B. Books II-A and II-C have been in print since 1971; both have been revised recently. Finally, II-E is a new textbook that has made many state adoption lists.

Coverage of Constitutional Topics

What is the extent of textbook coverage of constitutional topics?[10] Findings pertaining to this question are reported in Tables 2 and 3.

Less than 12 percent of the content of each textbook in this study per-

tains directly to instruction about the Constitution—its origins, development, and content. In the eleventh-grade books, the proportion of content about the Constitution ranges from 9 percent to 11 percent. The range is from 7 percent to 11 percent in the eighth-grade books.[11] The eleventh-grade books tend to include more constitutional content than the eighth-grade books, as indicated by page counts. The average number of pages of the five eleventh-grade books is 80; the average for the eighth-grade books is 68.

Coverage of the Constitutional Period ranges from 1 to 4 percent of total textbook content in the eleventh-grade books. The range is from 1 to 3 percent in the eighth-grade books. Only one book (II-B) has more than 25 pages about the Constitution during the period from 1776 to 1789. Five books (I-B, I-C, II-A, II-D, II-E) have less than 20 pages; two books (I-B and II-A) have only nine pages. The average number of pages in the five eighth-grade books is 18; the average for the eleventh-grade books is 20 pages.

TABLE 1
Textbooks Analyzed in This Study

I. 8th Grade American History

A. Wood, Leonard C., Ralph H. Gabriel and Edward L. Biller, *America: Its People and Values,* 2nd edition (New York: Harcourt Brace Jovanovich, 1975). (Separate Teacher's Guide.)

B. Bartlett, Richard A., Clair W. Keller, and Helen H. Carey, *Freedom's Trail* (Boston: Houghton Mifflin Co., 1979). (Teacher's Annotated Edition.)

C. Eibling, Harold H., Carlton L. Jackson and Vito Perrone, *Two Centuries of Progress: United States History* (River Forest, Ill.: Laidlaw Brothers, 1977). (Teacher's Annotated Edition.)

D. Graff, Henry F., *The Free and The Brave,* 3rd edition (Chicago: Rand McNally & Company, 1977). (Teacher's Annotated Edition.)

E. Buggey, JoAnne, Charles Mitsakos, Gerald Danzer, and Frederick Risinger, *Americal Americal* (Glenview, Ill.: Scott, Foresman and Company, 1980).

II. 11th Grade American History

A. Madgic, Robert F., Stanley Seaberg, Fred Stopsky, and Robin Winks, *The American Experience,* 3rd edition (Menlo Park, Calif.: Addison-Wesley Publishing Company, 1979). (Separate Teacher's Guide.)

B. Todd, Lewis Paul and Merle Curti, *Rise of the American Nation,* 7th edition (New York: Harcourt Brace Jovanovich, Inc., 1977). (Separate Teacher's Guide.)

C. Ver Steeg, Clarence L. and Richard Hofstadter, *A People and a Nation,* 2nd edition (New York: Harper and Row Publishers, Inc., 1977). (Separate Teacher's Guide.)

D. Risjord, Norman K. and Terry L. Haywoode, *People and Our Country* (New York: Holt, Rinehart and Winston, 1978). (Separate Teacher's Guide.)

E. Bass, Herbert J., George A. Billias, and Emma Jones Lapsansky, *Our American Heritage* (Morristown, N.J.: Silver Burdett Company, 1979). (Teacher's Annotated Edition.)

Coverage of the development of the Constitution ranges from 3 to 5 percent of overall textbook content in the eleventh-grade texts. The range is from 2 to 6 percent in the eighth-grade books. Tables 2 and 3 show that the textbooks do *not* over-emphasize the development of the Constitution. No book includes more than 40 pages of instruction about formal and informal changes in our Constitution since 1789. Two eighth-grade texts (I-B and I-E) each devote less than 15 pages to this basic theme in American history. In general, the eleventh-grade textbooks include more content about constitutional development; the average number of pages of the five books is 30; the average of the eighth-grade texts is 24 pages.

All the books include a copy of the Constitution with annotations. One or more diagrams or charts, which are designed to help students understand constitutional principles, also appear in each of the books. Coverage ranges from 3 to 5 percent across the ten books in this study (see Tables 2 and 3).

The eleventh-grade authors tend to use a few more pages than the eighth-grade authors to present the Constitution with annotations and other instructional aids. The average number of pages used for this purpose in the eleventh-grade books is 29. The average is 25 pages for the five eighth-grade books.

Four of the five eleventh-grade books include the document at the end of the narrative about the Constitutional Period. Two eighth-grade books do this (I-A and I-E). Three eighth-grade books include the document in the Reference Section, at the end of the textbook. One eleventh-grade book does this (II-A).

Treatment of the Constitutional Period

How is the Constitutional Period (1776-1789) treated in the textbooks?[12]

Textbooks at both the eighth- and the eleventh-grade levels discuss the creation and content of the Articles of Confederation (our first Constitution), the weaknesses of the Articles of Confederation, and the troubles affecting the nation which led to the convening of the Constitutional Convention. All the books treat the events of the Convention, with emphasis on the various compromises that enabled the delegates to complete their work. Finally, all the books treat the struggle between Federalists and anti-Federalists over the ratification of the Constitution.

Three books present very brief excerpts from the works of famous historians to show contrasting interpretations of the Constitutional Period. For example, II-C, II-D, and I-C present the clashing hypotheses of Charles Beard and his critics.[13] Book II-C also compares John Fiske's "Critical Period" hypothesis with the contrary ideas of Merrill Jensen.[14] None of the books use more than one page to present the contrasting interpretations of historians.

Events Leading to the Constitutional Convention

All the books emphasize the problems faced by the new nation and the inability of the United States government to deal effectively with most of those problems. However, four books (I-B, II-A, II-D, II-E) do a comparatively

shallow and incomplete job of treating the inadequacies of government under the Articles of Confederation. Two books (I-B, II-D) do *not* mention any of the serious foreign policy problems that the new nation was unable to cope with.[15] Two books (I-B and II-A) have less than two pages about government under the Articles of Confederation and the events that led to the Constitutional Convention.

All the books mention the notable land policies that culminated in the Northwest Ordinance of 1787. However, it is a major flaw that there is little or no discussion of any other achievements under the Articles of Confederation. Only one book (II-D) includes as much as half a page about various achievements other than the land ordinances. Three books do not mention any accomplishments other than the land policies (I-B, I-E, II-E).

In failing to give more attention to positive aspects of government under the Articles, the textbook authors take little account of recent historical scholarship. According to John Garraty, "modern research has modified the thesis, advanced by John Fiske in *The Critical Period of American History*

TABLE 2

Coverage of the Constitution in 8th Grade American History Textbooks

	Coverage per Content Category							
	Constitutional Period		Development of the Constitution		The Document (with instructional aids)		Totals	
Books	No. of Pages	%	No. of Pages	%	No. of Pages	%	No. of Pages	%
I-A.** Harcourt (816 pages/640)*	(23)	3	(30)	4	(28)	3	(81)	10
I-B. Houghton (680 pages/390)*	(9)	1	(12)	2	(27)	4	(48)	7
I-C. Laidlaw (717 pages/375)*	(17)	2	(40)	6	(22)	3	(79)	11
I-D.** Rand (726 pages/620)*	(21)	3	(26)	4	(23)	3	(70)	10
I-E. Scott (683 pages/410)*	(22)	3	(14)	2	(25)	4	(61)	9

*Numbers in parentheses are total number of pages in each book followed by the average number of words per page. The total number of pages is counted as the number of pages of textbook narrative and instructional activities; the text of the Constitution, with instructional aids, is included. The Table of Contents, Acknowledgment pages, Preface, Index, Glossary, and various appendices *are excluded.* The average words per page is derived from computing the mean of the total number of words included on three randomly selected pages filled with narrative and including no charts, pictures, graphs, etc.

**Books A and D include two columns of print per page; Books B, C, and E include one column of print per page.

(1888), that the government was demoralized and inadequate. . . . The negotiation of a brilliantly successful peace treaty ending the Revolutionary War, the humane and farsighted federal land policies, and even the establishment of the federal bureaucracy that managed routine affairs were remarkable achievements, all carried out under the Articles."[16] Other scholars agree with Garraty. Edmund Morgan has said that "any serious student must acknowledge that under the Articles of Confederation the achievements of the United States were impressive."[17] Kelly and Harbison concluded that "the failure of the Confederation government should not obscure the substantial contributions made by the Articles to the Constitution drafted in 1787."[18]

Students who use the textbooks reviewed in this study will be exposed to an overemphasis on the negative aspects of government under the Articles of Confederation. They will learn little or nothing about significant political accomplishments under the Articles other than the land ordinances of the 1780s. Finally, students will have little sense of important continuities between government under the Articles of Confederation and the Constitution.

TABLE 3
Coverage of the Constitution in 11th Grade American History Textbooks

	Coverage per Content Category							
	Constitutional Period		Development of the Constitution		The Document (with instructional aids)		Totals	
Books	No. of Pages	%	No. of Pages	%	No. of Pages	%	No. of Pages	%
II-A. Addison (736 pages/590)*	(9)	1	(36)	5	(35)	5	(82)	11
II-B. Harcourt (742 pages/761)*	(30)	4	(25)	3	(28)	4	(83)	11
II-C. Harper (819 pages/623)*	(25)	3	(40)	5	(25)	3	(90)	11
II-D. Holt (818 pages/580)*	(17)	2	(27)	3	(32)	4	(76)	9
II-E. Silver (760 pages/552)*	(18)	2	(23)	3	(27)	4	(68)	9

*Numbers in parentheses are total number of pages in each book followed by the average number of words per page. The total number of pages is counted as the number of pages of textbook narrative and instructional activities; the text of the Constitution, with instructional aids, is included. The Table of Contents, Acknowledgement pages, Preface, Index, Glossary, and various appendices *are excluded.* The average words per page is derived from computing the mean of the total number of words included on three randomly selected pages filled with narrative and including no charts, pictures, graphs, etc. *Each book has two columns of print per page.*

The Constitutional Convention

Treatment of the Constitutional Convention tends to be brief. Only four of the ten books have more than four pages about this topic (I-D, I-E, II-C, II-E). Coverage in these four books ranges from six to nine pages.

Compromises forged at the Constitutional Convention are included in all the texts. The "Great Compromise" is highlighted. The "Three-Fifths" Compromise, the "Commerce Compromises," and the compromise about how to choose the President are also discussed. The delegates are portrayed as men of goodwill, who were striving to resolve crucial political problems that threatened the life of the republic.

A major unresolved problem, which stemmed from the need to compromise at the Constitutional Convention, is glossed over. This problem had to do with ambiguity in the division of powers between the national government and the several state governments. However, the textbooks do not explain why ambiguity about states' rights was an outcome of the Constitutional Convention. They also do not connect this ambiguity to subsequent states' rights issues that threatened national stability and unity. One book (I-B) distorts the matter by asserting that "the planners of the Constitution tried to describe clearly the relationship between the states and the national government."[19] In contrast, Mason and Beaney say: "One point on which the nationalists remained firm was their determination that no precise line should be drawn delineating national power vis-a-vis the states."[20]

John Roche has concluded that the founders wanted to be somewhat vague about the locus of sovereignty within the federal system in order to avoid rejection of the new Constitution.[21] According to Gary Wills, "James Madison argued that it was impossible to draw precise boundaries between state and federal powers; that experience would be needed to fix them. . . ."[22] Kelly and Harbison concur: "It is clear that the Convention did not make a decisive disposition of the locus of sovereignty in the new nation."[23] Furthermore, they contend that "the vague and uncertain character of the Convention's solution of the problems of sovereignty opened the way to the development of two constitutional issues of great importance."[24] These issues pertained to state sovereignty and the powers of the federal judiciary, and they were not resolved until after the Civil War.

The Ratification Contest

The textbooks tend to obscure significant differences about the locus of sovereignty issues that loomed large during the contest over ratification of the Constitution. The authors briefly mention conflict between Federalists and anti-Federalists over states' rights. However, they do not explain that the conflict pertained to differences associated with the "continentalist" viewpoint of those favoring ratification versus the "localist" ideas of their opponents. Conflicts between "continentalists" and "localists" continued to divide the nation until after the Civil War.[25] The textbooks tend to ignore various political advantages that the Federalists exploited to win the hard-fought ratification contest.[26] There is little or no discussion of political

strategies used by the opposing forces. The severity of the conflict over ratification is not revealed.

In general, textbook treatments of the ratification contest are much too brief, shallow and antiseptic to allow for adequate explanation of the issues and the consequences of this political battle. Only one book (I-E) has more than two pages about the ratification contest.

Treatment of the Ratified Constitution of 1789

In seven of the ten textbooks (I-A, I-B, I-C, I-D, II-A, II-B, II-C), treatment of the Constitutional Period is concluded with discussion of main ideas of the ratified Constitution. These brief discussions are presented in a distinct section of a chapter. These sections include definitions and examples of constitutional concepts, such as separation of powers, federalism, and civil liberties. Coverage ranges from two pages (I-B, I-D) to eight pages (I-A, II-B).

The most substantial treatments appear in books I-A, I-C, and II-B. Three books (I-E, II-D, II-E) include comparatively little discussion of main principles of the ratified Constitution of 1789.

Treatment of Constitutional Development

The Constitution has undergone numerous formal and informal changes since it was ratified. Kelly and Harbison remind us that "the Constitution began to grow, evolve, and change with the first meeting of Congress and it has been changing ever since.[27] *How is the development of the Constitution treated in the textbooks?*

All the textbooks in this study include discussion of constitutional amendments, judicial interpretation of the Constitution, and adaptation of the Constitution through custom and useage. Issues having to do with the meaning of federalism, separation of powers, civil rights, and judicial review are treated within a chronological framework. However, there are some notable differences among the textbooks in treatments of constitutional development.

Amendments

There is very little coverage of Constitutional Amendments in the textbook narratives. Coverage ranges from three to five pages in the eleventh-grade books; it ranges from two pages (I-B) to seven pages (I-C) in the eighth-grade books.

There tends to be little or no coverage of the issues and conflicts associated with the proposal and ratification of certain controversial amendments, such as the 16th, 17th and 26th amendments. An exception is coverage of the 19th amendment in three books (I-B, I-C, and II-D), which emphasize the women's suffrage movement and the ratification of the 19th amendment.[28] Discussion of the 19th amendment in book I-B covers about two pages. In contrast, the proposal and ratification of the Bill of Rights is treated in one paragraph and less than one page is given to narrative treatment of all the other amendments.[29]

Judicial Interpretations

There is considerable variation in textbook treatments of judicial interpretation of the Constitution through federal court cases. In general, there is more coverage of judicial interpretations in the eleventh-grade books than in the eighth-grade books. The range of coverage in the eighth-grade books is from two pages (I-B) to six pages (I-C, I-D); the average is four pages. In contrast, the range in the eleventh-grade books is from five pages (II-E) to nineteen pages (II-C); the average is twelve pages.

The concept of judicial review tends to be treated very superficially. Two books (I-A and II-E) do not include the term, although they use other words to refer to the idea of judicial review. One book (I-B) does not mention Chief Justice John Marshall, who did so much to establish judicial review as a basic constitutional principle.

Four books have only two or three sentences about judicial review (I-B, I-C, II-A, II-D). Four other books give a bit more emphasis to this important concept (I-C, I-D and II-B, II-C).

In general, the eleventh-grade books deal much more substantially with court cases that have affected the Constitution. The eleventh-grade books tend to mention many court cases. The leader is II-C, which includes 48 cases. The exception to this trend is II-E, which includes only nine cases. The average number of court cases in the eleventh-grade books is 27. In contrast, the eighth-grade books include very few cases. The range is from four cases (I-A and I-B) to ten cases (I-C); the average for the five eighth-grade books is six cases.

There is a tendency to treat the Supreme Court cases superficially, especially in the eighth-grade books. The constitutional bases of decisions usually are not elaborated; often they are not even mentioned. Likewise, the significance of a judicial decision for subsequent interpretations of the Constitution is often overlooked. Three eleventh-grade texts (II-B, II-C, II-D) are better than the others in providing occasional illuminating commentaries about the legal bases and consequences of Supreme Court decisions. However, even these three books do not consistently provide adequate discussions of court cases.

Some of the most important court cases in American history are omitted from the eighth-grade books. There is no mention of *Marbury v. Madison* in I-B and I-E; no word of *McCulloch v. Maryland* can be found in I-A, I-B, I-D. No omissions of this sort mar the eleventh-grade books. However, some important gaps in treatment of Supreme Court cases can also be found in these upper-grade texts.

John Garraty has identified sixteen court cases of fundamental importance for the development of the Constitution. Garraty has strongly emphasized the significance of these landmark court decisions: "To try to understand the modern Constitution without a knowledge of these judicial landmarks would be like trying to comprehend Christianity without reading the Bible."[30]

One of Garraty's sixteen cases, *ex parte Milligan* (1866), established the supremacy of civil law over military authority, even in time of grave national emergency. Allan Nevins said that "this decision is the heart of the differ-

ence between the United States of America and Nazi Germany or Communist Russia.[31] Kelly and Harbison have emphasized the significance of *ex parte Milligan* by noting that certain jurists and historians have called this case "an historic landmark in American civil liberties."[32] One might expect the textbooks to discuss such a significant case in their chapters on the Civil War. Alas, only three books (II-A, II-C, II-E) refer to *ex parte Milligan,* and no book includes more than two sentences about the case.

Another fundamental case in American constitutional history, which appears in Garraty's list, is *Charles River Bridge v. Warren Bridge* (1837). Professor Henry Graff has referred to this case as one "enshrined in our constitutional history. Its impression on the history of American transportation, on the history of antitrust actions, and on American free capitalism itself has been abiding."[33] However, none of these ten texts mentions the Charles River Bridge case.

Only three cases in Professor Garraty's list of 16, which have shaped the Constitution, are included in every textbook of this study. They are *Dred Scott v. Sandford* (1857), *Plessy v. Ferguson* (1896), and *Brown v. Board of Education of the City of Topeka* (1954).

A more serious flaw than omission of certain important cases is a general failure to show relationships between Supreme Court decisions of different eras. For example, authors of the eighth-grade texts do *not* mention the Plessy case in their discussions of the Brown case. Readers who rely on these texts will not find connections between the case that buttressed the "separate but equal" doctrine and the case that overturned the legal basis for segregated schools. By failing to show linkage between certain cases the textbook authors limit students comprehension of bases for continuities and changes in the meaning of the Constitution.

Another notable flaw in textbook treatments of judicial interpretations is the absence of dissenting opinions. Only two dissenting opinions are mentioned in the ten textbooks.[34] Experts in constitutional history would agree with Alan Barth, who says: "Dissent has played a seminal role in the functioning of the Supreme Court."[35] However, students who rely on these ten history textbooks could hardly be aware of the significance of great dissenting opinions, such as Justice Harlan's eloquent opposition to the majority in the Plessy case. Furthermore, they could not learn about the relationship of cultural change to changes in Supreme Court decisions from one era to the next; the books do not deal with this idea. Thus, students are deprived of an explanation of how the eloquent dissent of one period can become the majority opinion at another point in time.

A final deficiency in textbook treatments of judicial interpretations is failure to trace the development of the Supreme Court's powers and duties vis-a-vis the President and Congress. The books do not show how the Supreme Court gradually became the final arbiter of the Constitution after the Civil War. Kelly and Harbison describe the power of the Supreme Court before 1860: "In the seven decades between 1790 and the Civil War, congressional debate was a major source of constitutional doctrine. Supreme Court dictum, although already important, was not then universally accepted as the final word upon constitutional questions. Instead, prevailing ideas about the constitutional system were in the main derived from congressional

politics."[36] None of the texts makes this point. None of them help students to understand how and why the federal judiciary's authority grew as it did after 1860.

Adaptation Through Custom and Useage

Various facets of the constitutional system have been modified through custom and useage. Woodrow Wilson observed that the Constitution in operation "is manifestly a very different thing from the Constitution of the books."[37] How do the textbooks treat certain informal changes in the meaning and use of the Constitution?

The eleventh-grade textbooks cover this topic in anywhere from 10 pages (II-B, II-D) to 18 pages (II-A); the average number of pages is 13. In contrast, coverage in the eighth-grade books is from six pages (I-B) and eight pages (I-E) to 28 pages (I-C); the average is 16 pages.

The following are examples of the kinds of topics treated in this category: (1) organization of the new federal government under the Constitution, 1789-1800; (2) issues pertaining to the division of powers between the national government and the state governments; (3) issues concerning powers of the presidency relative to the legislative and judicial branches; (4) controversies about strict and loose construction of the Constitution; (5) issues relating to civil liberties and the civil rights of various minority groups; (6) development of customs that become precedents for the conduct of government under the Constitution.

All the textbooks discuss the numerous major political events of American history that have affected informal constitutional development, such as the Louisiana Purchase, President Jackson's opposition to the Bank of the United States, President Lincoln's assumption of extraordinary powers and duties of the federal government during the Civil War, the New Deal, the black civil rights movement, the Watergate affair, etc. However, the textbook authors often do *not* connect significant political events to the Constitution. In addition, they tend to offer shallow and incomplete explanations of the effect of certain major political events on constitutional development.

Textbook discussions of President Jackson's "Bank War," for example, reveal typical weaknesses in treatments of constitutional development. Authors of three texts (I-B, I-C, II-A) fail to link their discussions of the "Bank War" to the Constitution. The others say that Jackson believed the national bank to be unconstitutional. However, only three books (II-B, II-C, II-E) tell why the President believed that the national bank violated the Constitution.

Only two books (II-B and II-E) make any connection between Jackson's "Bank War" and previous instances of controversy about the constitutionality of the national bank. These two books refer only to the Supreme Court case of *McCulloch v. Maryland*. None of the textbooks link Jackson's "Bank War" to similar controversies during the administrations of Presidents Washington and Madison. Only one book (I-A) discusses how Jackson's "Bank War" influenced the growth of presidential power under the Constitution.

Justification for criticism of textbook treatments of the "Bank War" is provided by Robert Remini's authoritative study of the Jackson presidency. Professor Remini says that "the single most important political event of

Jackson's entire administration was the 'Bank War.'. . . The war altered the fundamental structure of government. The conflict between the supporters and opponents of the Bank . . . resulted in a vast expansion of presidential power. The fight that ensued between the President and the Congress profoundly changed the relationship between the executive and legislative branches."[38] Kelly and Harbison agree with Remini about the significance of the "Bank War" in development of the Presidential office: "It was Jackson's bank veto which first led him to assert comprehensively his ideas on executive independence."[39] These conclusions about the effect of Jackson's "Bank War" on the Constitution are reflected dimly, or not at all, in the textbooks.

The textbooks generally fail to trace the development of basic governmental institutions, such as the Presidency. Only one textbook (I-C) has a noteworthy chapter about "Our Changing Constitution," which shows changes in the constitutional principle of separation of powers.[40] There is special emphasis on changes in the presidency. None of the textbooks explain the profound effect of the Jackson presidency on development of the Constitution. The significance of this omission is underscored by the conclusions of Kelly and Harbison: "Even more than Washington, Jackson laid the foundations for the modern presidential office . . . and in his two terms in office he evolved a new conception of presidential authority and new instruments of power which were ultimately incorporated permanently into the executive."[41]

Abraham Lincoln used Jacksonian precedents to establish presidential control and direction of the Civil War. However, none of the textbooks shows the connection between Jackson's enhancement of executive power and Lincoln's successful style of leadership. Thus, students miss an opportunity to learn how dynamic executive leadership may occasion informal changes in distribution and management of power under the Constitution.

All the textbooks deal in some manner with the development of the locus of sovereignty issue that divided states' rights advocates and nationalists from 1789 until the Civil War. All the authors discuss important political events related to the states' rights issues, such as the Kentucky and Virginia Resolutions, the Hartford Convention, the Missouri Compromise, Calhoun's Compact Theory, the Webster-Hayne debates, the South Carolina nullification controversy, the Compromise of 1850, the Kansas-Nebraska Act, the Lincoln-Douglas debates, etc. However, the textbooks tend to provide scant commentary about the constitutional bases and consequences of many important political events associated with issues about sovereignty within the federal system. For instance, the authors of five textbooks in this study do *not* refer to the Constitution in their discussion of the Compromise of 1850 (I-B, I-C, I-D and II-A, II-D). The other five textbooks briefly mention the constitutional bases of the issues associated with the Compromise of 1850.

In general, the textbook authors overlook numerous opportunities to relate political events to the Constitution. Thus, students who rely on these textbooks are not likely to understand how actions of important political leaders have led to informal, but lasting, modifications in the meaning of the Constitution. In particular, students are not likely to learn how the presidency has evolved under the Constitution from 1789 until today. Only one book

(I-C) traces the development of presidential power in a clear, direct, and well-structured manner.

Conclusion

This study shows that secondary school American history texts tend to cover similar information and ideas about the Constitution.. All the textbooks in this study treat the Constitutional Period and the development of the Constitution since 1789. All of them include a copy of the Constitution—with annotations and other instructional aids.

Coverage of constitutional topics is *not* excessive. Teachers and students who rely on these textbooks will not receive an overdose of constitutional history.

The eleventh-grade books tend to include more constitutional content than the eighth-grade books. This is consistent with curriculum guides, which tend to call for more emphasis on political and legal history at the eleventh grade than at the eighth grade.

This study reveals several general weaknesses of textbook treatments of the Constitution.

1. The textbook authors tend to give insufficient attention to positive aspects of government under the Articles of Confederation.

2. Textbook authors do not discuss the ambiguous division of powers between the national government and the states as an outcome of the Constitutional Convention. They fail to connect this vagueness about the locus of sovereignty within the federal union to development of critical constitutional issues that threatened national stability and unity during the nineteenth century.

3. Textbook treatments of the ratification contest are brief, shallow, and bland. There is inadequate discussion of the political strategies and dramas that marked this intense clash of sparkling personalities with contrasting viewpoints.

4. There is scanty coverage of Amendments in the textbook narratives. In particular, there tends to be little or no discussion of the issues and political actions of contending groups interested in supporting or opposing certain proposed Amendments.

5. The concept of judicial review tends to be treated superficially.

6. Supreme Court decisions tend to be treated superficially, especially in the eighth-grade books. The constitutional bases and consequences of major decisions often are glossed over or overlooked.

7. Some landmark Supreme Court decisions are *not* included in the textbooks. For example, only three of the ten books mention *ex parte Milligan* and none discusses the Charles River Bridge case.

8. Textbook authors do not discuss notable dissenting opinions in Supreme Court cases. Only two dissenting opinions are mentioned in the ten textbooks.

9. There are too few connections in the textbooks between certain political events and constitutional changes. The texts tend to offer shallow explanations of how major political events have influenced constitutional development, especially the growth of presidential power. There is too little

discussion of how the Constitution is modified informally through custom and useage.

10. The textbook authors tend *not* to make connections between ideas and events of different eras. In particular, there is a tendency to overlook opportunities to connect Supreme Court decisions of different eras. Perception of these connections would facilitate comprehension of trends, of continuities and changes. Thus, students might achieve a fuller understanding of the constitutional principles that affect our government today.

This discussion of general similarities in content coverage and quality should *not* lead to the conclusion that variations in textbook treatments of the Constitution are trivial. On the contrary, there are significant differences to be considered by American history textbook adoption committees with an interest in education about the Constitution. For instance, eighth-graders who use I-A or I-C will be exposed to much more information about constitutional development than will users of I-B or I-E. Eleventh-grade teachers who work with II-B or II-C will have more ample material about the Constitutional Period than will teachers who rely on II-A or II-D.

It is also important to note variety in quality of textbook treatment of a given subject, such as constitutional history. There are significant differences in the quality of writing, design, and instructional strategies. Some texts are done more creatively than others. For certain purposes, some texts are better instructional tools than others. This study, for example, reveals that II-C treats Supreme Court cases much more extensively and substantially than II-E does.

Critical comments in this study should not be interpreted as a denigration of secondary school American history textbooks. It is important to acknowledge the general high quality of these materials. The better textbooks can be very effective means to certain important objectives, such as acquisition of concepts and information. Of course, certain other objectives can best be met through the use of other media and instructional practices. A good textbook is a valuable part of an instructional system that includes supplementary printed materials and various audio-visual media.[42]

Good American history textbooks can be made better by attending more adequately to constitutional topics. Improvements in textbook treatments of constitutional history might foster greater understanding among citizens of their political heritage and government. Knowledge of the Constitution alone is not sufficient to comprehend political reality in the United States, but it is a necessary condition of this comprehension.[43] With this end in view, there is need for renewed emphasis on improvement of constitutional history in the secondary school curriculum.

Bibliography

Barth, Alan. *Prophets with Honor: Great Dissents and Great Dissenters in the Supreme Court* (New York: Vintage Books, A Division of Random House, 1974).

Broderick, Francis L. *The Origins of the Constitution: 1776-1789* (New York: Macmillan Publishing Company, 1964).

Chase, Harold W. and Craig R. Dircat. *The Constitution and What It Means Today: Supreme Court Decisions of 1977, 1978, 1979* (Princeton, N.J.: Princeton University Press, 1979).

Corwin, Edward S. *American Constitutional History* (New York: Harper & Row, 1964).
Corwin, Edward S. "The Constitution as Instrument and as Symbol," *The American Political Science Review* 30 (December 1936), 1071-1085.
Eisner, Elliot W. *The Educational Imagination: On the Design and Evaluation of School Programs* (New York: Macmillan Publishing Co., Inc., 1979).
Fetsko, William. "Textbooks and the New Social Studies," *The Social Studies* 70 (March/April 1979), 51-55.
FitzGerald, Frances. *America Revised: History Schoolbooks in the Twentieth Century* (Boston: Little, Brown and Company, 1979).
Finer, S. E. *Five Constitutions* (Middlesex, England: Penguin Books, Ltd., 1979).
Friedrich, Carl J. and Robert A. McCloskey. *From the Declaration of Independence to the Constitution* (Indianapolis: The Bobbs-Merrill Co., Inc., 1954).
Garraty, John A., Editor, *Quarrels That Have Shaped the Constitution* (New York: Harper & Row, Publishers, 1962).
Garraty, John A. *The American Nation* (New York: Harper & Row, Publishers, 1979).
Gerlach, Ronald A. "Instructional Techniques for Teaching About the Constitution," *Social Education* 37 (May 1973), 398-428.
Greene, Jack P. "Revolution, Confederation, and Constitution, 1763-1787," in *The Reinterpretation of American History and Culture,* William H. Cartwright and Richard L. Watson, Jr., editors. (Washington, D.C.: National Council for the Social Studies, 1973), pp. 259-295.
Handlin, Oscar. *Truth in History* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1979).
Henning, Joel F., et al. *Mandate for Change: The Impact of Law in Educational Innovation* (Chicago: The American Bar Association, 1979).
Hofstadter, Richard. *The American Political Tradition* (New York: Alfred A. Knopf, Inc., Vintage ed., 1955), pp. 3-17.
Hughes, Charles Evans. *The Supreme Court of the United States* (New York: Columbia University Press, 1928).
Kammen, Michael, Editor. *The Past Before Us: Contemporary Historical Writing in the United States* (Ithaca, N.Y.: Cornell University Press, 1980).
Kelly, Alfred H.. and Winfred A. Harbison. *The American Constitution: Its Origins and Development* (New York: W.W. Norton & Company, Inc., 1976, 5th edition).
Labaree, Benjamin W. *America's Nation-Time: 1607-1789* (New York: W.W. Norton and Company, Inc., 1972), pp. 228-48.
Mason, Alpheus and William Beaney. *American Constitutional Law,* 6th edition (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1978).
Menard, Edward J. "Constitutional History: Past and Present," *The History Teacher* 5 (November 1971), 5-18.
Mendelson, Wallace. *The Constitution and the Supreme Court* (New York: Dodd, Mead & Co., 1968).
Morgan, Edmund S. *The Birth of the Republic, 1763-89* (Chicago: The University of Chicago Press, 1977).
North, Robert C., et al. *Content Analysis* (Evanston, Ill.: Northwestern University Press, 1963).
Padover, Saul K. *The Living Constitution* (New York: The New American Library, 1953).
Patrick, John J. "The Current State of Social Studies Curriculum Materials, K-12 Synthesis," *Report of Project SPAN* (Washington, D.C.: National Science Foundation, 1981).
Peltason, J. W. *Corwin and Peltason's Understanding the Constitution* (Hinsdale, Ill.: Dryden Press, 1976).
Roche, John P. "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review* 55 (December 1961), 799-816.

Remini, Robert V. *The Revolutionary Age of Andrew Jackson* (New York: Avon Books, 1976).
Rozwenc, Edwin C. and Frederick E. Bauer, Jr. *Liberty and Power in the Making of the Constitution* (Boston: D.C. Heath and Company, 1963).
Smith, Page. *The Constitution: A Documentary and Narrative History* (New York: William Morrow and Company, 1980).
Smith, Page. *The Shaping of America,* Vol. 3 (New York: McGraw-Hill Book Company, 1980).
Superka, Douglas P., et al. "The Current and Future Status of the Social Studies," *Social Education* 44 (May 1980), 362-69.
Willis, George, editor. *Qualitative Evaluation: Cases and Concepts in Curriculum Criticism* (Berkeley, Calif.: McCuthcan Publishing Corporation, 1978).
Wills, Gary. *Explaining America: The Federalist* (Garden City, N.Y.: Doubleday & Company, Inc., 1981).

Notes

1. Page Smith, *The Constitution: A Documentary and Narrative History* (New York: William Morrow and Company, 1980), p. 12.
2. *Ibid.*, p. 12.
3. Frances FitzGerald, *America Revised: History Schoolbooks in the Twentieth Century* (Boston: Little, Brown and Company, 1979), p. 152.
4. Edward J. Menard, "Constitutional History: Past and Present," *The History Teacher* 5 (November 1971), p. 5; Oscar Handlin, *Truth in History* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1974), pp. 23-24.
5. Joel Henning, et al., *Mandate for Change: The Impact of Law on Educational Innovation* (Chicago: The American Bar Association, 1979), pp. 52-62.
6. Douglas P. Superka, et al., "The Current and Future Status of the Social Studies," *Social Education* 44 (May 1980), p. 365.
7. *Ibid.*, p. 366; John J. Patrick, "The Current State of Social Studies Curriculum Materials, K-12 Synthesis," *Report of Project SPAN* (Washington, D.C.: National Science Foundation, 1980); Elliot W. Eisner, *The Educational Imagination: On the Design and Evaluation of School Programs* (New York: The Macmillan Company, 1979), pp. 27-28.
8. These major questions and categories were derived from a survey of a panel of historians and political scientists provided by Project '87 and from literature recommended by these scholars. In particular, see Alfred H. Kelly and Winfred A. Harbison, *The American Constitution: Its Origin and Development* (New York: W.W. Norton & Co., Inc., 1976), pp. 1-6. In addition, see J. W. Peltason, *Corwin and Peltason's Understanding the Constitution* (Hinsdale, Illinois: Dryden Press, 1976), pp. 9-35.
9. No claim is made that these textbooks are *the* best-selling books. It is not possible to know exact sales figures from the various publishers. However, one may claim that the books selected for this study certainly have been among the more widely-used American history texts.
10. To answer this question, each textbook selected for this study was examined carefully from beginning to end. Pages were tabulated that included information and ideas about the Constitutional Period and the development of the Constitution. Page counts were also made to determine coverage of the text of the Constitution, which included annotations and other instructional aids. The tabulations involved the counting of whole pages and parts of pages that approximated such fractions as ¼, ½, and ¾ of a page. Totals were rounded off, so that only whole numbers are reported in Tables 2 and 3. Identification of textbook content that represents "coverage of constitutional topics" was, in some instances, sub-

ject to the judgment of the investigator. Some portions of each text were indisputably about a constitutional topic, such as the lessons about the Constitutional Convention and the contest over ratification. In other cases, however, there was a slight possibility for variation in interpretation. As a rule, the investigator did *not* judge a textbook discussion to be "coverage of a constitutional topic" unless there was a direct reference to the Constitution, to a basic constitutional principle, such as federalism, or to a formal procedure for interpreting the Constitution, such as a Supreme Court decision.

11. Tables 2 and 3 provide a rough picture of the weight of constitutional topics relative to all the other content themes included in each book. However, this picture may be somewhat misleading when one compares a particular book with others in this study. Notice that four books (I-A, I-D, II-B and II-C) include many more words per page than the other books do. Thus, these four books probably include more overall coverage of constitutional topics than the other six books.
12. From this point, the discussion of findings in this study shifts from an emphasis on page counts and percentages to interpretation and judgment. The assessment tends to have more in common with criticism in the arts than with quantitative scientific research. See the following sources for discussion and justification of the uses of qualitative evaluation in curriculum studies. Eisner, *op. cit.*, pp. 190-226; and George Willis, editor, *Qualitative Evaluation: Cases and Concepts in Curriculum Criticism* (Berkeley, Calif.: McCutchan Publishing Corporation, 1978).
13. Harold Eibling, et al., *Two Centuries of Progress: United States History* (River Forest, Ill.: Laidlaw Brothers, 1977), p. 130; Clarence L. Ver Steeg and Richard Hofstadter, *A People and A Nation* (New York: Harper and Row Publishers, Inc., 1977), p. 101; Norman K. Risjord and Terry L. Haywoode, *People and Our Country* (New York: Holt, Rinehart and Winston, 1978), p. 235.
14. Ver Steeg and Hofstadter, p. 92.
15. Edmund S. Morgan, *The Birth of the Republic* (Chicago: University of Chicago Press, 1977), pp. 121-22; Kelly and Harbison, pp. 102-03. Serious foreign policy problems associated with national weaknesses under the Articles of Confederation are discussed succinctly and authoritatively in these two sources.
16. John A. Garraty, *The American Nation* (New York: Harper and Row Publishers, 1979), p. 119.
17. Morgan, p. 112; also see Peltason, p. 11.
18. Kelly and Harbison, *The American Constitution: Its Origins and Development*, p. 106.
19. Richard A. Bartlett, et al., *Freedom's Trail* (Boston: Houghton Mifflin Company, 1979), p. 141.
20. Alpheus Mason and William Beaney, *American Constitutional Law*, 6th edition (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1978), p. 127.
21. John P. Roche, "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review* 55 (December 1961), pp. 815-16.
22. Gary Wills, *Explaining America: The Federalist* (Garden City, N.Y.: Doubleday and Company, Inc., 1981), p. 163.
23. Kelly and Harbison, p. 134.
24. *Ibid.*, p. 135.
25. Roche, pp. 801-02; Edward S. Corwin, *American Constitutional History* (New York: Harper & Row Publishers, 1964), pp. 23-24, 145-64; Page Smith, p. 240.
26. Kelly and Harbison, pp. 150-52.
27. Kelly and Harbison, p. 156.
28. Richard A. Bartlett, et al., *Freedom's Trail* (Boston: Houghton-Mifflin Co., 1979), pp. 454-55, 458; Harold H. Eibling, et al., *Two Centuries of Progress: United States History* (River Forest, Ill.: Laidlaw Bros., 1977), pp. 512-14; Norman K. Risjord and Terry L. Haywoode, *People and Our Country* (New York: Holt, Rine-

hart and Winston, 1978), pp. 525-26.

29. Richard A. Bartlett, et al., *Freedom's Trail,* pp. 141, 145, 325, 332, 338, 424, 449, 453, 502, 529.
30. John Garraty, ed., *Quarrels That Have Shaped the Constitution* (New York: Harper & Row, Publishers, 1962), p. viii.
31. Allan Nevins, "The Case of the Copperhead Conspirators," in John A. Garraty, ed., *Quarrels That Have Shaped the Constitution* (New York: Harper & Row, Publishers, 1962), p. 108.
32. Kelly and Harbison, p. 419.
33. Henry F. Graff, "The Charles River Bridge Case," in John A. Garraty, editor, *Quarrels That Have Shaped the Constitution* (New York: Harper & Row, Publishers, 1961), p. 63.
34. Risjord and Haywoode, *People and Our Country,* p. 553; Ver Steeg and Hofstadter, A People and A Nation, p. 322.
35. Alan Barth, *Prophets With Honor: Great Dissents and Great Dissenters in the Supreme Court* (New York: Vintage Books, A Division of Random House, 1974), p. 8.
36. Kelly and Harbison, pp. 3-4, 133, 352-53.
37. Mason and Beaney, p. 19.
38. Robert V.. Remini, *The Revolutionary Age of Andrew Jackson* (New York: Avon Books, 1976), pp. 115-16.
39. Kelly and Harbison, p. 317.
40. Eibling, et al., *Two Centuries of Progress,* pp. 160-77.
41. Kelly and Harbison, p. 316.
42. Eisner, pp. 26-28; Ronald A. Gerlach, "Instructional Techniques for Teaching About the Constitution," *Social Education* 37 (May 1973), pp. 398-428.
43. S. E. Finer, *Five Constitutions* (Middlesex, England: Penguin Books, Ltd., 1979), pp. 15-20.

TREATMENT OF THE CONSTITUTION IN CIVICS AND GOVERNMENT TEXTBOOKS

Richard C. Remy

I. Introduction

The governmental system of the United States is based on a Constitution developed nearly 200 years ago. This study examines how that Constitution and important constitutional topics are treated in contemporary high school government and civics textbooks.

The government course and the civics course are well established in the high school curriculum and represent two places where students receive formal instruction about the Constitution.[1] The civics course is typically offered at eighth or ninth grade. The government course is taught at twelfth grade. Thirty-two states mandate a government course and thirty states require the teaching of civics in high school. In addition, both courses are widely taught in many other states as an elective.[2] While precise enrollment figures are difficult to obtain, approximately 500,000 to 750,000 students take the civics course each year. Over 1,300,000 students take the twelfth grade government course annually.[3]

The textbooks for the government and the civics courses are the main indicators of what and how students are taught about the Constitution in such courses. This is because the hardbound textbook is *the* dominant instructional tool in teaching social studies. Teachers tend to rely on a single text as the central instrument of their classroom instruction and as a key source of knowledge.[4] In addition, in most schools textbooks are the basis of curriculum planning, course organization and day-to-day lesson planning. Approximately 80 percent of all curriculum decisions in the nation's schools are made on the basis of a textbook.[5] Further, research on political socialization and school effectiveness shows that use of textbooks can have a positive impact on the development of students' political knowledge.[6]

To date research on social studies textbook content has concentrated on detecting racial and sexist bias or on analyzing political science content broadly defined.[7] There have been no studies of the constitutional content of ninth grade civics textbooks and twelfth grade government textbooks

reported in leading journals or dissertation abstracts in the last ten years. Careful assessment of textbook treatments of the Constitution can assist publishers and textbook authors to improve their products, help identify weaknesses teachers can remedy through supplementary materials and instruction, and aid those responsible for textbook adoption decisions.

II. Scope and Method of the Study

Practically every topic in the study of government and civics might be seen as involving the Constitution or constitutional issues in some way. Hence this study defined the constitutional topics to be analyzed in a way that limited the scope of inquiry at the same time that it reflected current scholarship, topics of longstanding importance and content one could reasonably expect to be included in high school level textbooks.

The constitutional content of government and civics textbooks was defined in terms of three major categories and relevant subcategories:[8]

1. *The Content and Development of the Constitution*

   This includes the text of the Constitution along with any commentary and/or annotations designed to help today's students read the document with understanding. This category also includes any material on the formal and informal procedures for amending the Constitution as well as discussions of the Constitution's role in American political life.

2. *The Constitutional Period 1776-1789*

   This includes material about the creation and ratification of the Constitution. Specifically, the Articles of Confederation (our first Constitution), the Constitutional Convention and the struggle for ratification by the 13 states.

3. *Major Constitutional Principles*

   This includes material relevant to basic principles of governmental organization and power embodied in the philosophy and words of the Constitution. These are: separation of powers, federalism, judicial review, and limited government. Limited government may be defined in terms of personal and political freedoms guaranteed by the First Amendment; rights of the accused guaranteed by the 4th, 5th, 6th, 8th and 14th Amendments; and rights to equal protection as found in the 14th Amendment.

Four questions guided the analysis of these topics.

1. What is the extent of textbook coverage of constitutional topics?
2. How is the content and development of the Constitution treated in the textbooks?
3. How is the constitutional period (1776-1789) treated in the textbooks?
4. How are major constitutional principles such as separation of powers treated in the textbooks?

The first question involved computation of the proportion of pages in a textbook devoted to constitutional topics out of the total number of pages in the book. The succeeding three questions formed the heart of the study and involved qualitative analysis. The purpose of such analysis was to describe and interpret key features of textbook instruction on the Constitution in a way that enables readers to make their own appraisal of the value of such instruction.[9]

Five twelfth grade government textbooks (A, B, C, D, E) and five ninth grade civics textbooks (F, G, H, I, J) were selected for analysis. These books, shown in Table 1, were chosen on the basis of their widespread use. The goal was to select books that were among the leading American government and civics textbooks used in secondary schools across the nation.[10]

Book A, first published in 1917, has been the perennial top-seller in the government textbook market. Books B, D and E were all recently approved for use in Texas by the state's Textbook Committee. Adoption in Texas, the most influential state in determining nationwide curriculum patterns, is one indicator of potential commercial success. Book C, published too late for the Texas adoption, represents a major effort by one of the strongest two or three el-hi textbook publishers.

TABLE 1
Textbooks Discussed in This Report

12th Grade American Government

A. McCleneghan, William, *Magruder's American Government* (Boston: Allyn and Bacon, 1980).

B. Rosencranz, Armin et al., *American Government* (New York: Holt, Rinehart and Winston, 1979).

C. Lewinski, Marcel, *American Government Today* (Glenview, Ill.: Scott, Foresman and Company, 1980).

D. Kownslar, Allan and Terry Smart, *American Government* (New York: McGraw-Hill, 1980).

E. Gillespie, Judith and Stuart Lazarus, *American Government: Comparing Political Experiences* (Englewood Cliffs, N.J.: Prentice-Hall, 1979).

9th Grade Civics

F. Gross, Richard, *American Citizenship* (Menlo Park, Calif.: Addison-Wesley, 1978).

G. Patrick, John J. and Richard C. Remy, *Civics for Americans* (Glenview, Ill.: Scott, Foresman and Company, 1980).

H. Branson, Margaret and Fred Coombs, *Civics for Today* (Boston: Houghton Mifflin Company, 1980).

I. Ball, Grant and Lee Rosch, *Civics* (Chicago: Follett, 1978).

J. Hartley, William and William Vincent, *American Civics* (New York: Harcourt Brace Jovanovich, 1979).

Among the civics texts, books F, G, and J recently were named to the list of books approved for use in Florida, a state nearly as influential as Texas in the adoption process. Book I is in its fifth edition and has an established reputation as particularly appropriate for slower learners. Book H is a new product of a major publishing house.

All the textbooks are essentially narrative with some use of case-study materials or other readings. All except Book I are organized into units and chapters. Book E deserves note as being derived from a National Science Foundation curriculum development project carried out under the auspices of the American Political Science Association.[11]

The twelfth grade government course and ninth grade civics course overlap in content but differ in important ways reflected in these textbooks. The civics course is typically oriented more toward personal development and citizenship broadly defined. Life skills, consumer economics and career awareness are typically part of a civics course along with material on politics and government. The government course concentrates on thorough explanation and description of the major institutions of American government. It is reasonable to expect the government course to treat this material in greater depth than a civics course.

III. Coverage of Constitutional Topics

It is appropriate to begin our analysis by asking what proportion of textbook content is devoted to instruction about constitutional topics.[12]

Textbook space is limited. Some of the most important decisions editors and textbook authors make are about how much space to give to particular topics. The proportion of content allocated to constitutional topics is one indicator of the value placed on this material by the publisher and authors. However, given the muitiple pressures influencing the design of textbooks, it is an imprecise indicator. State and local curriculum requirements as well as perceptions of current educational needs, what pressure groups and teachers want, and what will interest students also enter into such decisions.

Tables 2 and 3 indicate that the less than one-quarter of the content of widely used secondary school government and civics textbooks pertains directly to instruction about constitutional topics. The proportion of total constitutional content ranges from 23 percent to 12 percent among government textbooks and from 21 percent to 13 percent among the five civic textbooks examined.

These tables should be read with the figures for number of pages in each book and average words per page in mind. Thus, among the civics texts, book J is not as different from its competitors as the 13 percent total figure would indicate since it has substantially more words per page than the other civics books. This is achieved through the use of a two-column rather than single-column type format.

Among the government texts book A clearly stands apart from its competitors in terms of its total constitutional content. This is congruent with that book's popular reputation as an encyclopedic reference and with its legalistic approach to subject matter. Book E has substantially less constitu-

tional material than three of its four counterparts. This results largely from Book E selecting sociologically oriented content which illustrates its "political systems" approach at the expense of more standard material.

No government or civics book devotes more than 3 percent of its content to the constitutional period. Three books allocate less than 1 percent of their total material to that topic. These books leave in-depth discussions of the Articles of Confederation, Constitutional Convention and struggle for ratification to history books and courses. Instead the government and the civics textbooks typically present only brief sketches of key issues and events during the constitutional period in order to establish some basis for their subsequent detailed descriptions of government and politics.

Finally, Table 2 reveals notable variation in the amount of coverage the government textbooks give to major constitutional principles. With a few exceptions as described later, the government books give nearly the same amount of attention to the principles of separation of powers, federalism and judicial review. The variation in this category is primarily accounted for by the amount of attention given to the principle of limited government. Books A and B devote approximately 45 and 59 pages respectively to various facets of limited government as compared to approximately 18, 24 and 8 pages in books C, D and E.

We have pictured in broad strokes how much attention government and civics books give to constitutional topics. We now turn to a description and interpretation of the character of this material.

IV. Treatment of the Constitution and Its Development

Our first concern is with depicting how the Constitution is defined and presented to students as an object of study. Here we are concerned with three questions: (1) Where and how do the books present the text of the Constitution itself? (2) How the books define the concept of constitution and what do the books say specifically about the Constitution's role in American political life? and (3) How do the books describe the formal and informal development of the Constitution?

Much of the definitional material on the Constitution is found in the first unit of the textbooks. These units—bearing such titles as "The Foundations of Government," "Our Political Heritage," "Government and Citizenship"—typically contain short chapters with material on forms of government, the meaning of citizenship, the course of colonial government, and the formation and content of the Constitution.

A. The Document Itself

All government books contain the text of the Constitution but there is considerable variation in how the document is presented. Two books (B, C) place the Constitution in the body of the text as part of their chapters on the development of the Constitution. The other government books put the Constitution in an appendix at the end of the text.

Surprisingly, only two government books (B and C) annotate the Constitution with commentary on the meaning and continuing significance of key

TABLE 2

Coverage of the Constitution in 12th Grade American Government Textbooks

Book	The Constitution Itself		Constitutional Period		Major Principles		Totals	
	No. of Pages	%	No. of Pages	%	No. of Pages	%	No. of Pages	%
A. Allyn (786 pp/619)*	(90)	11	(16)	2	(75)	10	(181)	23
B. Holt (681 pp/521)	(38)	6	(6)	**	(82)	12	(126)	19
C. Scott (706 pp/579)	(74)	10	(11)	2	(31)	4	(116)	16
D. McGraw (603 pp/565)	(41)	7	(11)	2	(35)	6	(87)	14
E. Prentice (602 pp/593)	(33)	6	(14)	2	(25)	4	(72)	12

*Numbers in parentheses are total number of pages in each book followed by the average number of words per page. The *total number of pages* is counted as the number of pages of textbook narrative and instructional activities; the text of the Constitution, with instructional aids, is included. The table of contents, acknowledgement pages, preface, index, glossary, and various appendices are excluded. The *average words per page* is taken as the mean of three randomly selected pages with full print and no charts or pictures.

**Less than 1 percent.

sections and clauses. Book A does provide an annotation of sorts in the form of fine print footnotes on such technicalities as the distinction between a "reprieve" and a "pardon." But these footnotes are not designed to facilitate student reading of the document with ease and comprehension.

Books D and E do not annotate the Constitution. The lack of annotations in these books could inhibit many, if not most, students from reading the document with any real understanding. In addition, Book D gives no indication as to which parts of the Constitution have been changed by amendments or have gone out of date. Book E only footnotes relevant amendments to update the Constitution. This leaves it to the student to correlate the contents of the amendment with the relevant section and then determine which clause(s) are outdated or modified.

All the civics books contain an annotated text of the Constitution but on the whole the annotations are quite limited. The annotations consist largely of a short sentence or paragraph rephrasing or simply repeating what the document itself says. Book H, for instance, informs students that "in the column printed in black you will find the Constitution paraphrased, or reworded."[13] Book J's comment on Article II, Section 1 (the judicial branch-

TABLE 3
Coverage of the Constitution in 9th Grade Civics Textbooks

Book	The Constitution Itself		Constitutional Period		Major Principles		Totals	
	No. of Pages	%	No. of Pages	%	No. of Pages	%	No. of Pages	%
F. Addison (480 pp/389)*	(46)	10	(16)	3	(37)	8	(99)	21
G. Scott (533 pp/383)	(68)	13	(16)	3	(20)	4	(104)	20
H. Houghton (536 pp/383)	(54)	10	(16)	3	(24)	4	(94)	18
I. Follett (442 pp/398)	(36)	8	(4)	**	(27)	6	(67)	15
J. Harcourt (518 pp/526)	(48)	9	(4)	**	(17)	3	(69)	13

*Numbers in parentheses are total number of pages in each book followed by the average number of words per page.

**Less than 1 percent.

federal courts) is representative: "Judicial power is given to a Supreme Court and lower federal court established by Congress. Federal judges hold office for life. But they may be removed by impeachment."[14]

The annotations in Book G provide information similar to the other books. However, this text sometimes adds several ideas to help students more fully understand the reasons behind the language in the Constitution. For example, in the case of Article III, Section 1, Book G also explains that: "The writers of the Constitution wanted judges to be free of political pressures. The provisions about judges' salaries and terms check both Congress and the President."[15]

Two civics books (G and H) place the Constitution in the body of the text as part of their chapter on the Constitution. The other civics books place the Constitution in an appendix at the end of the text.

A government or civics text would not be marketable without a copy of the Constitution. Accordingly, all ten books examined present the document itself. However, a closer look reveals that both government and civics books differ in their presentation of the document in ways that could facilitate or inhibit students' reading the Constitution with meaning.

B. The Constitution's Role

To what degree do the textbooks offer clear definitions of the concept of constitution and the role played by our Constitution in American political life? To be useful for assisting inquiry and learning such concepts must be ade-

quately defined.[16] Inadequate or confused definitions give students and teachers little basis for using the Constitution to think about the operations of government in constitutional terms.

On the whole, the government textbooks do not systematically present or explain the concept of constitution. Three of the five books (A, B, C) contain no material on this topic and do not define the term constitution. Book B, for instance, does not list the term in its "political science dictionary" which does have 240 entries including such terms as "cross filing, indigent, polygamy and sales tax."[17]

Book D, in discussing a "written constitution" as one of the "landmark ideas" from the thirteen colonies, does inform students that a constitution "defines the power of government and tells what rights the people will exercise."[18] Book E, in the course of discussing the Mayflower compact, states that "a constitution is a set of basic rules and principles of a government, it presents a plan for governing." Book E goes on to note that most constitutions are written and that "governments . . . both public and private, have constitutions which define the structure of government and the rights of its citizens or members.[19]

Four of the five government textbooks do not clearly define the Constitution's role in American political life. Surprisingly, only two books even deal with this topic at all. Book A clearly announces that, "The Constitution of the United States is the nation's fundamental law . . . it sets forth the basic framework and procedures by which, and the limits within which, the governmental system must operate."[20]

Book E's discussion of the Constitution's role becomes entangled with its "political systems" framework. In a chapter titled "The Constitution and Political Systems" students are first told that, "The Constitution determines the overall ways in which the national government can use and distribute resources."[21] Several pages later they learn that "it will be useful for you to see the way in which the Constitution has set up different systems in the national government. Government operates within these systems."[22] Finally, the authors state, "National, state and local constitutions determine the basic relationships among parts of political systems in the United States."[23] How all this occurs is never explained nor is it explained whether constitutions themselves are part of the "political systems" being referred to or somehow distinct from those systems.

Instead, the authors move on to define four categories of political systems—"elite, bureaucratic, coalitional, participant"—which are used later to discuss the various branches of the national government.[24] There is, however, no connection between this discussion and the definitions of the Constitution's role presented earlier beyond the statement that, "the Constitution structures the Presidency as an elite political system."[25] How the Constitution does this is not explained but an elite system is defined as one where "there is very little reciprocity, or give and take . . . decisions are made at the top and handed down."[26]

How do ninth grade civics textbooks define constitution and the Constitution's role? All the civics books examined contained clear, brief definitions of the concept of constitution. These definitions usually appear in discussions on the establishment of colonial governments or the nature of

government itself. Book H informs students that "putting it in writing is an old American custom."[27] Book F's statement that, "A constitution is a written statement of rules by which a group of people are governed" is typical of the definitions presented.

Three of the five civics textbooks do not clearly define the Constitution's role in American political life. Only two books give this topic serious attention. Book H finds the Constitution like the "beams and girders" that hold a building together. Shifting imagery in the next paragraph, the book asserts that "the Constitution keeps parts of our government working together" while making it possible "for the government to adjust to the changing needs of the time." The Constitution "can do these things well because, like a living being, it grows and changes over time."[29]

Book G presents a straightforward definition: "The Constitution is the plan for government in the United States. It tells how the government is organized. It says what the government can and cannot do."[30] In subsequent paragraphs book G describes the Constitution's role as the "highest law in the United States" and as "a guide to citizens' rights and the government's limits."[31]

The remaining three civics books give considerably less guidance to students. Book J, for instance, simply notes in passing that the founding fathers worked out a plan "that has continued to provide a system of free government in the United States."[32]

Thus most textbooks at both levels deal strictly in definitions not explanations when it comes to the Constitution. *None of the government or civics books attempts to develop for students more subtle ideas about the purposes served by the Constitution.* For example, none of the books draws upon Corwin's useful distinction between the functions of the Constitution as symbol and as instrument.[33] As symbol, Corwin noted the Constitution stands unalterable as an expression of the unity, continuity and purpose of the American nation; as instrument, it provides a convenient but malleable tool for popular government which was as John Quincy Adams put it ". . . extorted from the grinding necessity of a reluctant nation."[34]

C. The Changing Constitution

How do the government textbooks treat the development of the Constitution? In two books (A and C) this material comprises a short chapter titled in both cases "The Living Constitution." The other books give from three to six pages to the topic in chapters on the Constitution or Bill of Rights.

The government texts present accurate descriptions of the formal procedures to amend the Constitution but ignore the politics associated with such procedures. These descriptions are essentially annotations of the Constitution's specific language on amendment in Article V. None of the books directly explain the critical role Congress plays in the political give and take associated with efforts to amend the Constitution.[35] Students would draw the impression that Congress' role in the amendment process was perfunctory and that most of the issues associated with amending the Constitution were technical rather than political. Nor do the books describe the role of in-

terest groups, lobbying in state legislatures and public opinion in the amendment process.

Book C does contain a description of the current struggle over the ERA Amendment. However, this material is used to illustrate how lengthy the formal amendment process can be. Student questions at the end of the case are limited to factual recall about the details of the case itself such as "What is the ERA?" and "By what date must it be ratified?" Thus a good opportunity to illustrate both the constitutional procedures and politics associated with amendment is missed.

Four of the five books accompany their text with a helpful graphic feature depicting the two methods of proposing and two methods of ratifying constitutional amendments. Book E did not have such a feature.

Amending the Constitution presents one of the few instances where two government textbooks present students with very different points of view on a constitutional topic. Book C clearly wants to make the point that the formal amendment process is long, complicated and difficult if not impossible for citizens to influence. In a chapter section entitled "It is difficult to add amendments," Book C states:

> Although the people can put pressure on politicians to amend the Constitution, most amendments originate in the minds of politicians, not in the minds of voters. The amendment process is so difficult that it discourages citizen participation.[36]

Book E presents another point of view in its introduction to a section titled "Constitutional Change."

> All the rules established in the Constitution are designed to help government serve citizens. The rules about constitutional change especially give citizens a continuing 'say' in the structure and function of their government.
>
> Citizens can change the plan for government by several processes. They can formally change the Constitution by amending it. Or, they can make changes in a number of other ways.[37]

It seems reasonable to state that students using Book C might form a different impression of the constitutional amendment process than students using book E.

All the government textbooks describe informal means of constitutional development but the completeness of these descriptions varies considerably. Book A gives the most complete picture by describing "five means by which informal amendment has occurred: by basic legislation, executive action, court decisions, party practices, and custom."[38] Book B covers essentially the same ground but in less detail.[39] The remaining books (C, D and E) limit their discussions primarily to the role of judicial interpretation and all three fail to mention the President's role in the development of the Constitution.[40] Only two of the government texts (A and B) correctly point out that informal processes have been more important than formal procedures in adapting the Constitution to modern circumstances.[41]

On the whole, civics textbooks confine their description of constitutional development to brief summaries of the formal amendment procedures. Four books (F, G, H and J) devote no more than one or two pages to the topic of amending the Constitution.[42] One book (I) simply ignores the amendment

process. Unlike the government books, only one of the civics books (H) contains a diagram depicting the formal amendment process although such a graphic would seem particularly useful for the younger students most likely to be taking the civics course.

V. Treatment of the Constitutional Period

All the government and civics texts examined contain some material on the Articles of Confederation, the Constitutional Convention and the struggle for ratification. We term this related cluster of issues and events from 1776 to 1789, the constitutional period.

A. The Articles of Confederation

The nation's first constitution is judged harshly by the textbooks. *Both the government texts and the civics texts stress the failures of the Articles of Confederation while ignoring its positive achievements.* The books are unanimous in their criticisms of the Articles of Confederation as inadequate to the task of governing. The weaknesses of the confederation government listed in the various texts are familiar and reflect an acceptance across the books of the "critical period" interpretation of this historical era.[43]

The most extreme example is found in book A in a section entitled "The Critical Period" presents a half-page quote from "the historian John Fiske" depicting the "distressing conditions" under the Articles of Confederation. The quote has a sort of nostalgic charm as one can imagine Magruder selecting it for an edition well over sixty years ago when Fiske was practically a contemporary and his thesis in *The Critical Period of American history* (copyright 1888) was still widely accepted.[44] Today Fiske's interpretation has been tempered by contemporary historical scholarship which has called for due recognition of the positive achievements of the Confederation government.[45]

Thus, all the government and civics textbooks examined would do well to heed Corwin and Peltason's injunction in their authoritative *Understanding the Constitution:*

> Nor should the accomplishments of the government under the Articles of Confederation be overlooked. It successfully brought the war to a conclusion; negotiated the Treaty of Paris of 1783, which gave the United States a de jure status as a nation; established an enduring system for the development of western lands; and refined the practices of interstate cooperation that gave Americans further practical experience in handling national problems.[46]

As a corollary to the above it should be noted that neither the government books nor the civics books discuss the connections between ideas embodied in the Articles of Confederation and the Constitution. Rather, the Constitution is treated as representing a distinct break with the inadequate Articles of Confederation. Thus, it is not likely students using these books would come to appreciate that while the Constitution resulted from a highly creative act it nevertheless "built upon the Constitutional Foundations erected in the Confederation era."[47]

B. Constitutional Convention and Ratification Struggle

The government textbooks present brief but accurate descriptions of the Constitutional Convention. Coverage of the Convention ranges from eight pages in book A to two pages in book B. All the government texts recount the conflict between large states and small states in terms of the New Jersey and Virginia Plans, and all at least summarize the major compromises—the Three-Fifth's Compromise, the Connecticut Compromise, and the Commerce and Slave Trade Compromise.

The civics books vary considerably in the completeness of their treatment of the Constitutional Convention. Two books (F and G) devote six and eight pages respectively to reviewing the Convention in much the same fashion as the government texts. Of the five civics books, only book F describes all three major compromises. Book G focuses its attention on the background of the delegates, how they organized their work in order to make key decisions and the Connecticut Compromise.

Two civics books (I and J) virtually ignore the Convention. Curiously, book I devotes more space to a recounting of Shay's Rebellion than to the Convention which is described in one paragraph. Book J gives approximately one page to the Convention discussions noting that "students may recall these disagreements from your study of American history."[48] Book H depicts the Convention in terms of a fictionalized dialogue wherein nine delegates debate whether there should be a plural or single executive. In terms of instructional strategy this material is poorly organized and students are not given directions to use it in a manner which would enhance their knowledge of the Convention.

With the partial exception of book G, neither the government nor the civics books portray the meeting in Philadelphia as a dynamic political event. Students and their teachers would have to go beyond these books to gain an appreciation, as Roche elegantly puts it, of the Framers as "superb democratic politicians" who "drawing on their vast collective political experience, utilizing every weapon in the politicians arsenal, looking constantly over their shoulders at their constituents . . . put together a Constitution."[49]

All the government books and three of the civics books (F, G and H) briefly summarize the struggle for ratification of the Constitution. These books describe the arguments of the Federalists and Anti-Federalists. All the government books and two civics books (F and G) also discuss the Bill of Rights as a major outcome of the ratification debates.

VI. Treatment of Major Constitutional Principles

The philosophy and words of the Constitution embody principles of governmental organization that "underpin the entire document and establish the character of the American system of government."[50] Separation of powers, federalism, judicial review and limited government are often identified by scholars as major Constitutional principles.

All the government texts and two civics books (H and J) contain a distinct list of their version of such principles. Book D, for instance, introduces its list by noting that "the new Constitution . . . included certain

principles that are basic to our system of government."[51] Table 4 displays the distinct lists presented in seven books. The other three civics books also discuss constitutional principles but choose not to present their material in the form of separate lists.

The discussion of constitutional principles usually appears early in the books either in a chapter on the Constitution itself or in a chapter on its origins. None of the government books or civics books treat major constitutional principles as concepts which students can learn and then use in their further study of national government and American politics. Rather, after initial definition in a distinct list or elsewhere, the principles rarely appear again in a text. Thus, students are not asked to use a principle to organize information or help explain some aspect of government. Nor is subsequent material often presented as an illustration of a constitutional principle.

A. Separation of Powers

Government texts typically define separation of powers as dividing government "into three separate, independent and equal departments."[52] The government books correctly link but draw a distinction between the principle of "separation of powers" and the system of "checks and balances."[53] Book C, for instance, explains the distinction to students as follows: "The writers [of the Constitution] believed that dividing power was not enough. . . . To prevent any one branch of government from becoming too powerful, the writers build in a system of *checks and balances*."[54]

After definition early in the text, the notions of separation of powers, and checks and balances, briefly reappear when four books (B, C, D and E) devote one to several paragraphs in their chapters on the Presidency, Congress and Supreme Court to descriptions of the formal means each branch has to limit the others. Book A simply drops any further mention of either principle. Thus, while students using that book would read about the Senate's power to approve treaties negotiated by the Executive Branch, such material is not presented as an illustration of separation of powers/checks and balances in practice.

Three of the five civics books (G, H and I) briefly define the principle of separation of powers. Two books (F and H) do not use the phrase "separation of powers" but present definitions of "checks and balances" which blurs the distinction between the two concepts. Thus, book F states that:

> . . . the power of the national government would be divided into three parts. No single official or assembly would have all the power. And if one branch of the government began to take too much power, the other branches would have ways of stopping it. This is known as a *system of checks and balances*.[55]

Unlike their government counterparts, the civics books do not use the principle of separation of powers in their discussions of the three branches of national government.

B. Federalism

Both government texts and civics texts vary considerably in the amount of attention they give to the principle of federalism. Among the government texts, two books (A and B) contain separate chapters on the topic of 24 and 14 pages respectively. Two other books (C and E), however, devote only four and eight pages each to federalism. One book (D) includes no direct instruction on federalism as a constitutional principle. Among the civics texts coverage ranges from one paragraph in book F to approximately eight pages in book G.

Both government texts and civics texts confine their treatment of federalism primarily to describing the constitutional allocation of powers between the national and state governments. Familiar classifications of delegated, implied, inherent, reserved and concurrent powers usually form the basis of these descriptions in the government books. As part of these descriptions all the government texts and two civics texts (G and J) briefly define mechanisms of grants-in-aid, revenue sharing and block grants as the

TABLE 4

Lists of Major Constitutional Principles in 9th Grade Civics and 12th Grade Government Texts*

Book A, Allyn
1. Popular Sovereignty
2. Limited Government
3. Separation of Powers
4. Checks and Balances
5. Judicial Review
6. Federalism

Book B, Holt
1. Representative Government
2. Divided Government
3. Limited Government

Book C, Scott
1. A Federal System
2. The Constitution Delegates Power
3. Separation of Powers
4. Checks and Balances
5. Gradual Change

Book D, McGraw
1. No Person Is Above the Law
2. Separation of Powers
3. Checks and Balances

Book E, Prentice
1. Popular Sovereignty
2. Limited Government
3. Federalism
4. Separation of Powers
5. Checks and Balances
6. Constitutional Change

Book H, Houghton
1. Representative Government
2. Limited Government
3. A Government of Checks and Balances
4. A Government of Laws, Not Persons
5. A Federal Government
6. A Government of Living Law
7. A Government that Protects Rights

Book J, Harcourt
1. Powers are Limited
2. Powers are Separated
3. Checks and Balances
4. Government that Can Change and Grow

*Books F (Addison), G (Scott), I (Follett) discuss various constitutional principles but do not present a distinct list.

devices through which money passes between the national and state governments. Finally, in their separate chapters on the topic books A and B also briefly define such formal mechanisms of interstate relations as extradition, and full faith and credit.

Thus, the treatment of federalism is narrow in scope. The dynamics of the federal system and important aspects of federalism's role in American political life are omitted. Hence, none of the texts describe the competitive politics generated by contemporary national-state government relations, the place of federalism in maintaining the two-party system, the role of federalism in checking the will of either local or national majorities on specific issues or the contribution of federalism to the initiation of new political ideas at the state level rather than the national level.[56]

None of the textbooks advocate a particular ideological position regarding the national-state relationship in American federalism. Two books (D and E), however, do seem to imply a states' rights interpretation of this relationship. Corwin and Peltason explain that such an interpretation, as opposed to a nationalist position, "rests on the basic premise that the Constitution is a compact among the states [which] . . . created the national government and gave it certain limited powers."[57]

Book D, in a chapter on state government, for example, asserts: "Any discussion of the system of government in the United States must recognize this *fact*. Our federal system was set up in 1787 by thirteen states that delegated certain powers to the national government and kept all other powers for themselves."[58] This tone clearly runs throughout the book. To a lesser extent book E takes a similar tone as when it titles a chapter on the development of the Constitution, "States Create a Nation" or when it asserts that, "When the states created a nation, *they* decided that it was necessary to give certain powers to the national government."[59]

C. Judicial Review

The importance of the Supreme Court and the principle of judicial review in determining the scope of federal and state power, the functions of various departments of government and the meaning of the written language of the Constitution can hardly be overstated. Yet, *the government texts give very little attention to the principle of judicial review*. Coverage ranges from six pages in book C to only one page in book E. The other books devote approximately two pages each to judicial review. Typically the books provide a short definition of the principle in an early chapter on the Constitution and do not mention judicial review again until several hundred pages later in a chapter dealing with the Supreme Court. All the books except one (C) also briefly mention judicial review as an "informal" means of constitutional development but none make any systematic effort to explain the principle's impact on and relation to the evolution of our major political institutions.

The government texts provide an incomplete picture of the origins of judicial review. All the books clearly give the impression that this principle simply appeared, as if from nowhere, in 1803 in *Marbury v. Madison*.[60] Book A, for instance, notes that, "The Supreme Court first exercised the power of judicial review in Marbury v. Madison."[61] Actually, Americans had con-

siderable experience with judicial review in colonial assemblies and state courts prior to 1787.[62] And Kelly and Harbison explain that, "By 1800, nearly all federal justices, as well as a majority of the legal profession, had accepted the principle that the Supreme Court could declare acts of Congress unconstitutional and therefore invalid."[63]

Interestingly, one text (E) creates a distinction between "judicial review" and what it terms "judicial sovereignty" which is defined as "the federal courts' right to make decisions which overrule the decisions of state courts."[64] The authors incorrectly assert that the Supreme Court's right of judicial sovereignty was "first tested" and "established" in the case of *McCullough v. Maryland*.[65] Actually the Court's power of judicial review over state court decisions was tested earlier in *Chisholm v. Georgia* (1793) and *Ware v. Hylton* (1976), but was not clearly established until at least 1865.[66] As one constitutional authority states, "From 1789 until the Civil War, this was the aspect of judicial review, most vigorously exercised, debated, protested and resisted."[67]

Civics texts give less attention to judicial review than the government books. Four of the five books (G, H, I and J) devote approximately one page each to defining judicial review and briefly recounting the outcome of *Marbury v. Madison*.

D. Limited Government

Government texts devote more attention to limited government than any other constitutional principle. Four of the five texts (A, B, C and D) contain separate, multi-chapter units on the principle with such titles as "Civil Liberties and Civil Rights." These four books spend from 3 percent to 9 percent of their content on limited government. In contrast, the civics books give basically no more attention to this constitutional principle than any other.

First Amendment and Rights of the Accused. On the whole, the government texts teach about the First Amendment freedoms and the rights of the accused by summarizing relevant Supreme Court cases. Books A and B, congruent with their popular reputation as "legalistic" texts, discuss these aspects of limited government like scaled down constitutional law textbooks. The reader is rapidly taken through many brief annotations of Supreme Court decisions. Cases are not explained in depth and are rarely set in any social-political context. Sometimes the prose becomes complex as book B illustrates:

> In *Miranda v. Arizona* (1966) the Supreme Court ruled that a confession obtained during a custodial interrogation, held either before or after formal charges have been filed, cannot be admitted in a criminal trial unless certain safeguards are observed.[68]

Books C and D follow a similar pattern but the law case-book effect is diluted because there are fewer pages on each topic. Book D, in addition, provides some social-political context for several of the cases it describes and largely avoids the difficult writing style especially prevalent in books A and B.

Book E's treatment of this material is contained in a single chapter entitled "Citizen Participation in Civil Rights." This chapter is primarily organiz-

ed around three sociologically oriented case studies: "The Women's Movement," "The Struggle for Black Equality" and "The Montgomery Bus Boycott." This case material is clearly meant to illustrate the book's political systems approach rather than to teach students about the constitutional aspects and foundations of civil rights and liberties. Book E informs students that by studying the case material they will learn "through a historical perspective . . . how conflict has produced change in our political system."[69]

Thus, four of the books (A, B, C and D) stress the constitutional provisions implementing the principle of limited government but do not set this discussion in a broader socio-political context. Book E concentrates on describing selected cases about the advancement of civil rights in sociological terms but neglects to accompany these descriptions with systematic instruction about the constitutional basis of the issues described. The differences in emphasis among the five books is clearly reflected in the number of Supreme Court cases cited in each book. Books A and B are the leaders mentioning 219 and 159 Supreme Court cases respectively. Book C refers to 49 cases and book D mentions 30 cases. Book E includes reference to 17 Supreme Court decisions.

Most of the civics books confine their discussion of the First Amendment to brief summaries of the Amendment itself. One book (F) provides more complete coverage by augmenting its discussion with examples from Supreme Court decisions on such topics as teaching evolution, aid to parochial schools and the draft. Book I's discussion is marred by the use of a typology of rights which is at best unnecessary and at worst could seriously confuse students. The typology first distinguishes between "private" rights and "civil" rights and then divides civil rights "into three groups: personal freedom rights, justice rights, and property rights."[70]

In contrast to the government texts, none of the civics books contain systematic instruction about the constitutional provisions that implement the rights of the accused. All these books, of course, contain material on the operation of state and federal courts and criminal law procedures. However, this material is not designed to explicate and teach students about the constitutional provisions relevant to criminal procedures.

Equal Protection. *Government texts vary considerably in the amount of attention they devote to the "equal protection" clause of the 14th Amendment.* Two books (A and B) contain systematic discussions of major aspects of equal protection of 16 and 8 pages respectively. Two other books (C and D) limit themselves to briefly defining the meaning of the equal protection clause and recounting *Brown v. Board of Education.* Book E does not define or discuss the equal protection clause although it briefly describes the *Brown* case strictly as an illustration of its thesis that "the judicial branch can be viewed as a bureaucratic political system."[71]

With one exception (B) the government books do not explain the relationship of "state action" to the equal protection clause. Thus, students using these books would not learn from the text that while discrimination by private individuals may violate a law, such action does not violate the equal protection clause unless it is "aided, supported or positively encouraged by state action."[72]

Finally, government texts do not describe the policy of affirmative action

and its relationship to the equal protection clause. Further, only book A along with D contains some material on the role of Congress in recent years in promoting equal opportunity through various types of civil rights legislation.

VII. Conclusions

What conclusions emerge from our analysis of leading government and civics textbooks? On the whole the texts provide reasonably complete factual descriptions of constitutional material. They are not all bad. Yet there is still considerable room for improvement. In addition to the specific deficiencies already described we can identify six weaknesses found to one extent or another in most of the books. These books could more fully meet their potential if such weaknesses were corrected.

1. *The Constitution's significance is overlooked.* The books describe the structure of the document but neglect completely to define, *explain* and demonstrate the Constitution's pervasive role in our political system. Thus, students using these books have little opportunity to gain an understanding of the Constitution's continuing impact on nearly every important dimension of both our personal and our collective national life.

2. *Constitutional content is boring.* The books' discussion of constitutional topics tend to be dry, abstract and lifeless. This may stem in part from the limitations of the textbook medium itself and from the practical need for such books to survey large quantities of factual material. For whatever reason, the human side of constitutional issues is not dramatized.

3. *Supreme Court decisions are superficially treated.* Frequently cases are summarized in an abrupt manner and the Constitutional bases of the decisions are not elaborated; often they are not even mentioned. Further, the significance of a Supreme Court decision either for subsequent interpretations of the Constitution or for topics covered in the chapter is often overlooked.

4. *There is a lack of connections.* There is a general tendency across all books to fail to make connections between constitutionally related topics that appear in different parts of the book. Important ideas about the Constitution are treated discretely and not linked to each other or to relevant content. The most glaring example is the treatment of the constitutional principles of separation of powers, federalism and judicial review.

5. *Comparisons are not made.* The Constitution is described in isolation. There are practically no comparisons of our Constitution and its role in the American political system with other political systems. Thus, students are given little opportunity to think analytically about how our constitutional system is like other constitutional systems and how it is different.

6. *Useful opportunities are missed.* The books sometimes overlook chances to relate the discussion of institutions, issues and events to the Constitution. For example, one book, in a chapter on "Rights and Court Decisions," presents interesting case material on the use of lie detectors and yet completely ignores constitutional questions that might be associated with the use of such devices in criminal proceedings.

Despite such weaknesses many of these textbooks could be useful instructional tools especially when we remember that they are only one part of

a larger classroom instructional system managed by the teacher. That system can also include supplementary books and readings, and a wide array of audiovisual materials. Good teaching that creatively uses such resources can and often does help correct for a poor or incomplete textbook.

In considering these results the reader should keep in mind that the purpose of this analysis was to describe and interpret the constitutional content of leading textbooks. The question of the extent to which and how such textbooks deal with constitutional topics is related to but distinct from the question of whether such books *should* have more or less constitutional content. The first question empirical one and was the focus of this research. The second question is normative and various educators might respond differently to the question depending upon their own values and the importance they ascribe to instruction about constitutional topics as opposed to instruction about other aspects of American political life.

Finally, our analysis points to the need for the continued and systematic appraisal of textbooks by users. While textbooks in the same subject are well-known for their lack of diversity, it should be quite clear that not all the books analyzed here are the same.[73] There are important variations in their coverage and treatment of constitutional topics. Continued improvement in instruction about the Constitution will depend upon using systematically gathered information about textbook strengths and weaknesses to improve the texts themselves and to plan instruction which adequately supplements the texts as necessary.

Bibliography of Source Material on Constitutional Topics Used for This Study

Abraham, Henry J. *Freedom and the Court: Civil Rights and Liberties in the United States,* 3rd ed. New York: Oxford University Press, 1977.

Anderson, Thornton. *Jacobson's Development of American Political Thought,* 2nd ed. New York: Appleton-Century-Crofts, Inc., 1961.

Brant, Irving. *The Bill of Rights.* Indianapolis, Indiana: The Bobbs-Merrill Company, Inc., 1965; Mentor Books, 1967.

Corwin, Edward S. "The Constitution as Instrument and as Symbol," *American Political Science Review* 30 (December, 1936): 1071-85.

Cummings, Milton C., Jr. and David Wise. *Democracy Under Pressure: An Introduction to the American Political System,* 3rd ed. New York: Harcourt, Brace, Jovanovich, Inc., 1977.

Cushman, Robert F. *Leading Constitutional Decisions,* 15th ed. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1977.

Kelly, Alfred H. and Winfred A. Harbison. *The American Constitution,* 5th ed. New York: W.W. Norton & Company, Inc., 1976.

Leach, Richard H. *American Federalism.* New York: W.W. Norton & Company, Inc., 1970.

Labarre, Benjamin W. *America's Nation-Time: 1607-1789.* New York: W.W. Norton & Company, 1972.

Morgan, Edmund S. *The Birth of the Republic 1763-89,* Revised Edition. Chicago: The University of Chicago Press, 1977.

Patterson, Samuel C., Roger H. Davidson and Randall B. Ripley. *A More Perfect Union: Introduction to American Government.* Homewood, Illinois: The Dorsey Press, 1979.

Peltason, J.. W. *Corwin and Peltason's Understanding the Constitution,* 8th ed. New York: Holt, Rinehart and Winston, 1979.

Plano, Jack C. and Milton Greenberg. *The American Political Dictionary,* 4th ed. Hinsdale, Illinois: The Dryden Press, 1976.

Riker, William H. "Federalism." In *Handbook of Political Science.* Vol. 5: *Governmental Institutions and Processes,* pp. 93-172. Edited by Fred I. Greenstein and Nelson W. Polsby. Menlo Park, California: Addison-Wesley Publishing Company, 1975.

Roche, John P. "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review* 55 (December, 1961): 799-816.

Wheeler, Harvey. "Constitutionalism." In *Handbook of Political Science.* Vol. 5: *Governmental Institutions and Processes,* pp. 1-92. Edited by Fred I. Greenstein and Nelson W. Polsby. Menlo Park, California: Addison-Wesley Publishing Company, 1975.

Witt, Elder, ed. *Congressional Quarterly's Guide to the U.S. Supreme Court.* Washington, D.C. Congressional Quarterly, Inc., 1979.

Wolfinger, R. E., U. Shapiro and F. Greenstein. *Dynamics of American Politics.* Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1976.

Notes

1. Donald O. Schneider, "Tradition and Change in the Social Studies Curriculum," *Journal of Research and Development in Education* 13:2 (Winter, 1980): 13.
2. Joel F. Henning, *et al., Mandate for Change: The Impact of Law on Educational Innovation* (Chicago: American Bar Association, 1979), 52-56.
3. For one estimate see Richard E. Gross, "The Status of Social Studies in the Public Schools of the United States," *Social Education* 41:3 (March, 1979): 194-200.
4. J. P. Shaver, O. L. Davis, Jr., and S. W. Helburn, "The Status of Social Studies Education: Implications from Three NSF Studies," *Social Education* 43:2 (February, 1979): 151.
5. Karen B. Wiley, *The Status of Pre-College Science, Mathematics, and Social Science Education: 1955-1975,* Vol. 3 (Boulder, Colo.: Social Science Education Consortium, 1977), 80-81.
6. Lee Ehman, "The American School in the Political Socialization Process," *Review of Educational Research* 50:1 (Spring, 1980): 113. In V. S. Mullis, "Effects of Home and School on Learning Mathematics, Political Knowledge and Political Attitudes," paper published by National Assessment of Education Progress, Denver, Colorado, April, 1974: 34-35.
7. Jean Dresden Grambs, "The Study of Textbooks and Schoolbooks: A Selected Bibliography," in *Improving the Use of Social Studies Textbooks,* ed. William E. Patton (Washington, D.C.: National Council for the Social Studies, 1980): 61-76.
8. These categories were derived from ideas and literature suggested by a panel of political scientists and historians surveyed for this study by Project '87 of the APSA/AHA.
9. For a discussion of such qualitative curriculum analysis see Elliott W. Eisner, *The Educational Imagination: On the Design and Evaluation of School Programs* (New York: Macmillan Publishing Co., Inc., 1979) and Gail McCutcheon, "Educational Criticism: Methods and Application," *Journal of Curriculum Theorizing* 1:2 (Summer, 1979): 5-25.
10. No claim can be made that these textbooks are *the* best selling books. It is impossible to obtain exact sales figures from the various commercial publishers. However, it is possible to state that the books in this study tend to appear on the adoption lists of states with state-wide selection procedures and are certainly

among the more widely used government and civics textbooks.

11. American Political Science Association, "Final Report: The High School Political Science Curriculum Project," NSF Grant SED-72-05814-A08, December, 1977. See also, "CEP Project Review," APSA *DEA News,* No. 6 (Summer, 1975): 51-58.
12. To answer this question, each textbook selected for this study was examined carefully from beginning to end. Pages were tabulated that included information and ideas about the Constitutional Period and Major Constitutional Principles. Page counts were also made to determine coverage of the text of the Constitution, which included annotations and other instructional aids. The tabulations involved the counting of whole pages and parts of pages that approximated such fractions as ¼, ½, and ¾ of a page. Totals were rounded off, so that only whole numbers are reported in Tables 2 and 3.
13. Margaret Branson and Fred Coombs, *Civics for Today* (Boston: Houghton Mifflin Company, 1980), 116.
14. William Hartley and William Vincent, *American Civics* (New York: Harcourt, Brace, Jovanovich, 1979), 520.
15. John J. Patrick and Richard C. Remy, *Civics for Americans* (Glenview, Ill.: Scott, Foresman and Company, 1980), 83.
16. Vernon Van Dyke, *Political Science: A Philosophical Analysis* (Stanford, Calif.: Stanford University Press, 1960), 61-70.
17. Armin Rosencranz, *et al., American Government* (New York: Holt, Rinehart and Winston, 1979), 694-95.
18. Allan Kownslar and Terry Smart, *American Government* (New York: McGraw-Hill, 1980), 46.
19. Judith Gillespie and Stuart Lazarus, *American Government: Comparing Political Experiences* (Englewood Cliffs, N.J.: Prentice-Hall, 1979), 26-27.
20. William McCleneghan, *Magruder's American Government* (Boston: Allyn and Bacon, 1980), 62.
21. Gillespie and Lazarus, p. 313.
22. *Ibid.,* p. 325.
23. *Ibid.,* p. 326.
24. In subsequent chapters Congress is labeled a "coalitional system," and the federal judiciary as a "large bureaucratic system." The Supreme Court, however, is labeled a "coalitional system."
25. *Ibid.,* p. 333.
26. *Ibid.,* p. 332.
27. Branson and Coombs, p. 69.
28. Richard Gross, *American Citizenship* (Menlo Park, Calif.: Addison-Wesley, 1978), 28.
29. Branson and Coombs, p. 85.
30. Patrick and Remy, p. 57.
31. *Ibid.,* p. 58.
32. Hartley and Vincent, p. 29.
33. Edward S. Corwin, "The Constitution as Instrument and as Symbol," *American Political Science Review* 30:6 (December, 1936): 1071-85.
34. Quoted in William C. Havard, *Government and Politics of the United States* (New York: Harper & Row, 1965), 4.
35. Jack W. Peltason, *Corwin and Peltason's Understanding the Constitutuion,* 8th edition (New York: Holt, Rinehart and Winston, 1979), 120.
36. Marcel Lewinski, *American Government Today* (Glenview, Ill.: Scott, Foresman, 1980), 87.
37. Gillespie and Lazarus, p. 322.
38. McCleneghan, p. 72.
39. Rosencranz, *et al.,* p. 45.

40. Book E, Gillespie and Lazarus, p. 325, also mentions "treaties" and "practices of political parties."
41. Peltason, p. 121.
42. Book H, for example, explains that, "Our Constitution . . . permits informal changes to take place" (p. [illegible]). Political parties and the Cabinet are mentioned as examples of such changes.
43. Lewinski, p. 32, does give three sentences to the positive side of the Confederation government in a section titled "The Articles had successes and failures."
44. John Fiske, *The Critical Period of American History* (Boston: Houghton Mifflin Company, 1888).
45. Edmund S. Morgan, *The Birth of the Republic: 1768-1789,* rev. ed. (Chicago: University of Chicago Press, 1977), 112. See also Benjamin W. Labarre, *America's Nation-Time: 1607-1789* (New York: W.W. Norton, 1972), 238.
46. Peltason, p. 11.
47. Alfred H. Kelly and Winfred A. Harbison, *The American Constitution,* 5th ed. (New York: W.W. Norton & Company, 1976), 106.
48. Hartley and Vincent, p. 30.
49. John P. Roche, "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review* 55 (December, 1961), 779, 812.
50. Peltason, p. 18.
51. Kownslar and Smart, p. 71.
52. Lewinski, p. 42.
53. Peltason, p. 24.
54. Lewinski, p. 43 (emphasis in original).
55. Gross, p. 56 (emphasis in original).
56. Raymond E. Wolfinger, Martin Shapiro and Fred I. Greenstein, *Dynamics of American Politics* (Englewood Cliffs, N.J.: Prentice-Hall, Inc.), pp. 51-55.
57. Peltason, p. 19.
58. Kownslar and Smart, p. 347 (emphasis added).
59. Gillespie and Lazarus, p. 175 (emphasis added).
60. Apparently college level government textbooks convey the same impression. See P. Allan Dionosopoulos, "Judicial Review in the Textbooks, 1979," APSA *News,* No. 25 (Spring, 1980), 2.
61. McCleneghan, p. 67.
62. Henry J. Abraham, *Freedom and the Court,* 3rd ed. (New York: Oxford University Press, 1977), 6-7. Kelly and Harbison, pp. 178-82.
63. Kelly and Harbison, p. 182.
64. Gillespie and Lazarus, p. 418.
65. Gillespie and Lazarus, pp. 419-20.
66. See Kelly and Harbison, p. 182.
67. Elder Witt, ed., *Congressional Quarterly's Guide to the U.S. Supreme Court* (Washington, D.C.: Congressional Quarterly, Inc., 1979), p. 267. See also pp. 303-08.
68. Rosencranz, *et al.,* p. 644.
69. Gillespie and Lazarus, p. 451.
70. Grant Ball and Lee Rosch, *Civics* (Chicago: Follett, 1978), p. 113.
71. Gillespie and Lazarus, p. 420.
72. Peltason, p. 214.
73. EPIE Staff, Report on a National Study of the Nature and Quality of Instructional Materials Most Used by Teachers and Learners. Report #76 (New York: Educational Products Information Exchange, 1977), p. 23.

TREATMENT OF THE CONSTITUTION IN SCHOOL-BASED NON-TRADITIONAL PROGRAMS

Mary Jane Turner

Introduction

Formal instruction about the Constitution of the United States occurs in most American schools in the eighth- and eleventh-grade American history courses and in the ninth- and twelfth-grade civics and American government courses. What is taught and how it is taught is, for the most part, structured by the content of the hardbound textbook, the dominant instructional tool for teaching social studies.[1] It has been estimated that 80 percent of all curriculum decisions, including the selection of goals and objectives, the content focus, the organization of courses, and the teaching mode are made on the basis of a textbook.[2]

Despite the heavy concentration of instruction about the Constitution in these courses and the reliance on the associated textbooks, there are also a few non-traditional programs and/or curriculum materials available to teachers. It is upon these programs and materials that we intend to focus, examining in some detail: (1) the number and kinds of alternatives from which teachers may make selections, and (2) the kinds of learnings that such programs seem to provide for students. The assessment of programs of this kind, along with an evaluation of the basal textbooks used in the traditional civics, history, and American government courses, should help to alert interested educators to the gaps and deficiencies in the quality of instruction about the Constitution.[3]

Some explanation is in order as to how the programs that will be discussed herein were selected. First, we took as our starting point the Constitution itself and made an effort to identify programs that deal with its content, but which are not included as part of the typical civics, history, American government sequence. Second, we identified materials and programs that have been developed to supplement and enrich the cognitive, skill, and affective components of traditional courses, to provide students with opportunities to participate in civic functions, or to enhance teacher education. This second set of materials is very diverse; most of them are not designed to teach about

the content of the Constitution *per se*. Rather, they are intended to teach skills that students need when considering conflicting constitutional principles, and the attitudes and values that are supported by the Constitution.

An examination of all of these programs was far beyond the scope of our inquiry; indeed, a case might be made that almost every issue related to the study of government has constitutional implications. This argument, which suggests that everything is somehow related to everything else, would, we believe, blur the major purpose for which the study was undertaken: to determine what young people are likely to know about the content and meaning of the Constitution as a result of their kindergarten through twelfth grade experiences. Thus, we have included in our study only those programs that provide explicit instruction about: (1) the Content and Development of the Constitution; (2) the Constitutional Period 1776-1789; or (3) Major Constitutional Principles, including separation of powers, federalism, judicial review, and limited government.[4]

Sources of Data

For assistance in locating programs and materials, we contacted all of the members of the Council of State Social Studies Specialists (CS4) requesting state department of education guidelines, information about state legislative mandates, and descriptions of innovative programs that are currently being implemented. Twenty-seven of the total population of 44 responded. Nine provided documents, guidelines, courses of study, and various support materials. Eleven of the group wrote letters indicating that they knew of no materials or courses dealing with the Constitution, other than the law-related education programs, that were not textbook based. Seven other coordinators called with much the same information.

Perhaps one small indication of the state of the art can be derived from the following: almost all of the state specialists, who have the major responsibility for providing social studies curriculum support in their states, requested that I share my findings with them. These people want and need information related to teaching about the Constitution.

For example, only New York offered comprehensive assistance to teachers to assist them in teaching about the Constitution. Detailed syllabi outlining the required course content and structure have been prepared for the eighth- and eleventh-grade American history, ninth-grade civics, and twelfth-grade American government programs as well as for the associated elective courses. One resource booklet contains a vast array of learning activities related to citizenship objectives and constitutional topics.

Another set of materials, a history resource packet, contains reprints of primary source documents relating to the broad themes of life, liberty, and property. The packet is accompanied by lesson plans and other appropriate support materials. A significant number of the lessons relate to instruction about the Constitution.

Unlike many state departments of education, New York is quite prescriptive concerning what is taught by local school districts. Students are required to *do* something about the content. All of the units contain knowledge, skill, affective, and participation objectives. One might expect, based upon an ex-

amination of these materials, that students graduating from New York schools should have a better understanding of the Constitution than their peers from other states.

In addition to the state department materials, reference sheets, bibliographies, and resource guides, each volume of the *Data Book of Social Studies Materials and Resources*[5] and the *Handbook of Legal Education Materials*[6] were carefully examined as were documents prepared in 1979 by the staff of the Citizen Education Office of the United States Office of Education. Materials from this latter source—with which I was not previously familiar—were obtained and classified.

All staff members of the Social Science Education Consortium were requested to make available any information or resources they had identified, including those collected in 1976 relating to the Bicentennial of the Revolution. The librarian systematically searched her files looking for locally developed materials.

Finally, I requested a search of the ERIC system, using both full text and limiting descriptor strategies. The search yielded 225 documents, of which only 33 related to instructional materials and/or programs. This distribution of documents strongly suggests that while educators may be vitally interested in constitutional questions, the concern rarely reaches into the classroom. Document after document dealt with such issues as the impact of the Brown decision, the role of the courts as intervenors in school discipline policy, due process requirements in expulsion cases, First Amendment precedents relating to student newspapers, dress code decisions, and so on.

Analysis of Project/Programs

Law-Related Education Programs

By far the greatest level of educational activity relating to the Constitution (apart from that which is supported by traditional textbooks) is found in the area of law-related education. There are national, state, and local projects that are or have been funded from many sources: the Office of Juvenile Justice and Delinquency Prevention, the National Endowment for the Humanities, Danforth and other foundations, state planning agencies using money made available by the Law Enforcement Assistance Administration, state bar associations, and others. The most recent federal entry into the law-related education effort is the Department of Education, which has awarded $1,000,000 to about 30 organizations to implement programs or to provide technical assistance to practitioners.

Among the general objectives that the law-related education projects seek to achieve are the following:

1. To demystify the law, in the civil, criminal, and juvenile justice areas.
2. To provide an understanding of the fundamental concepts of the law.
3. To increase people's knowledge and skill about the law relevant to their everyday activities and problems.
4. To demonstrate the protective aspects of the law and to improve youth's attitudes toward the law.

5. To help peple become legally literate and to resolve law-related problems through the legal process and other acceptacle techniques of dispute resolution.
6. To provide knowledge of the judicial, legislative, and executive processes, and the constitutional principles which are their underpinnings.
7. To provide understanding of law enforcement that includes the role of police and criminal law as well as constitutionally protected individual rights.
8. To provide knowledge and skills with respect to the making and shaping of laws and to foster informed and responsible participation in the legislative and electoral processes.
9. To show the U.S. Constitution as a living document which provides the framework for approaching significant social and legal issues.[7]

The materials that have been developed to achieve these objectives are classified according to the major focus of their content:

1. *The Role of Law in Society.* The materials in this category deal with such topics as the need for laws, the techniques of law, basic legal functions, process values, the limits of law, and law and social change, as well as constitutional protections of basic social values.
2. *Concepts Related to Law.* This category contains materials that focus on concepts such as justice, equality, freedom, authority, responsibility, participation, diversity, privacy, and property that underlie an understanding of law, the legal system, and constitutional principles.
3. *Constitutional Law and Civil Rights.* The civil rights theme can be found in almost all legal education materials whether or not the major content thrust is criminal law or the role of law in society. Materials that explicitly fall in this category take as their *major* content focus the Bill of Rights, often exploring changes in judicial interpretation of this section of the Constitution over time.
4. *Criminal Law and the Criminal Justice System.* The 4th, 5th, and 6th Amendments, due process, and equal protection are treated in the materials in this category, along with the administration of the justice system rationales for punishment, and the role of the police and enforcement agencies. Materials focusing on juveniles also represent a significant portion of the curricula.
5. *Civil Law and the Civil Justice System.* Materials that focus on civil law deal with such topics as contracts and torts, as well as broad areas of legal concern—consumer, family, housing, welfare, and environmental law. Locally-developed programs in this category focus almost entirely upon consumer law. It is interesting to note that a significant number of the programs are designed to teach "coping and survival skills."
6. *Substantive Law.* While similar in emphasis and intent to curricula dealing with the criminal and civil justice systems, the materials available in this category have to do with what the law actually says rather than principles of law. Most of the programs that feature substantive law are developed locally and are intended to enrich or make the content featured in nationally-developed curricula more relevant to the students.[8]

Consideration of either the general objectives or the content of most law-related education materials might lead one to conclude that in the process of using them, considerable attention must be paid to the Constitution and to general constitutional principles. Unfortunately, this does not appear to be the case. Few law-related education materials deal with the entire document or provide much that elaborates its mechanisms other than a consideration of the process of judicial interpretation. Few treat the "constitutional period" or include materials about the creation and ratification of the Constitution. The way that the government and power are organized in our system is seldom examined. The consideration of major principles such as separation of power and federalism is left to the American government and history courses. The principle of limited government is taught only in the context of the freedoms provided by the 1st, 4th, 5th, 6th, and 14th Amendments. The idea that popular sovereignty provides a significant limitation on the power of government is generally not explored. And the principle of judicial review is taught only as it relates to changes in judicial reasoning about civil liberties and civil rights issues.

The implications for students of the content focus of law-related education programs becomes particularly critical when considered in conjunction with the distribution of materials across content categories. Only materials in the first two—the Role of Law in Society and Concepts Relating to Law—move beyond a relatively limited consideration of the Constitution and even these do not take the Constitution as a starting point. In the case of programs dealing with the role of law in society, it is only after students explore such topics as the social need for law and basic legal functions that such ideas as the way the Constitution protects basic social values are introduced. A relatively unique theme that characterizes a few of these approaches is that law is not self-enforcing—it requires a vigilant and critical citizenry to insure that its intent is operationalized.

Programs in the second category, Concepts Related to Law, follow a reasonably consistent general design. The *big* ideas—authority, privacy, responsibility, justice, diversity, property, freedom, and participation—are systematically analyzed and then used as criteria to judge concrete documents and/or cases such as the Constitution, statutes, administrative codes, and the actions of enforcers. Although the organizational format is promoted by one of the oldest and best known of the legal education projects, this category does not represent a preponderance of the programs.

By far the greatest quantity of materials are those that focus on the criminal and civil justice systems. Those materials relating to the criminal justice system make reference to the 4th, 5th, and 6th Amendments of the Constitution and to the due process and equal protection provisions. There is, however, no attempt to consider the Constitution in its entirety. The treatment of the Constitution is even sketchier in the civil law curricula.

Among the programs that focus on constitutional law, the emphasis is on what is termed the "expanded Bill of Rights," which refers to the 1st, 4th, 5th, 6th, and 14th Amendments. There are basically two approaches that are used in developing these Bill of Rights programs. Some take themes such as freedom of expression, freedom of religion, or search and seizure and trace their impact on the individual over time. Others link two themes such as

freedom of the press and the right to a fair trial and focus upon the inherent conflict in the two doctrines.

It is only when using materials based upon this second approach that students get much of a chance to consider such issues as the relationship of the individual to the government or the purposes of government. This opportunity is afforded them, for example, if they study the relationship between the individual's right to free expression and the public's right to live in a secure and orderly society.

As has been suggested, programs featuring substantive law are implemented, for the most part, in locally-based projects. They are typically associated with a "lawyer in the classroom" strategy because most teachers do not feel competent to talk about "black-letter" law. None of these programs treats constitutional issues to any significant extent.

One reason why law-related education leaders have not been more aggressive in developing materials that feature opportunities for students to learn about the Constitution is that this objective has had relatively little salience for them. It is believed that legal education is a subset, albeit a major one, of citizenship education. It is only when educators believe that instruction about the Constitution can achieve citizenship goals that they seek such materials. Those developers and educational leaders who believe that citizenship education must include instruction related to managing conflict in a heterogeneous society, the scope and limits of freedom, and the individual's relationships to government and society do provide some constitutional content. These are the educators who have prepared materials organized around themes such as the role of law in society or around primary concepts of law.

Most educators in this field, however, have emphasized rights over obligations, emphasizing the many rights available to all citizens and teaching skills in using these rights. The illustrations and areas of study are drawn not from the Constitution as a whole but from a few of the amendments and from cases relating to them. The fact that both the best and the most widely disseminated of the materials of this genre are prepared by attorneys, who are by training and persuasion advocates, also enhances the likelihood that students will gain a distorted and unnecessarily combative view of the justice system.

None of this is meant to imply that this kind of instruction in the law is not an important facet of citizenship education or that it should not be included in the general education curriculum. On the contrary, students who have not been provided with opportunities to study about law and legal processes are disadvantaged. It does suggest, however, that attention needs to be paid somewhere in the general education curriculum to providing instruction about such topics as constitutionalism, the purposes of a constitution, the structure and basic principles of the American Constitution, the purposes of a government, the relationship of the individual to the government, federalism, and separation of powers. These themes are not being advanced by most of the law-related education projects.

Major Actors in Law-Related Education. It is difficult to single out those organizations that have had the most influence in law-related education. There are persons and organizations in almost every state that have contributed to the extent to which legal education is being taught in their states as

well as to the kinds of programs that are being implemented.

At the national level, there are at least four organizations that have been involved in building into curriculum development and teacher training a receptivity for legal education. None of the four has been in the field less than ten years. Two have been engaged in outreach activities for over fifteen years.

The Special Committee on Youth Education for Citizenship of the American Bar Association interprets its role as that of building a constituency and support for law-related education as a whole. The staff conducts regional awareness workshops and summer training institutes, maintains a clearinghouse, and develops and publishes bibliographies, directories, newsletters, and other resource guides. The ABA has also been active in linking educators with attorneys, police officers, and others in the justice field, and in coordinating their legal-education efforts.

The Law in a Free Society Foundation considers itself a civic/legal education project. The multi-media curriculum materials that have been developed by LSF are organized conceptually for students in kindergarten through grade twelve. In addition to the student materials, LFS has developed a strong teacher-training component that can be used independently of project trainers to assist teachers in implementing the program. The project, in addition, supports a number of local sites to provide inservice opportunities at the state and local level.

The Constitutional Rights Foundation has, over the years, developed a wide variety of materials: a commercially published junior/senior high school criminal and civil law textbook, a one-semester series focusing on individual rights, a student newspaper which contains activities and updates of recent Supreme Court decisions, teacher resource guides and sourcebooks, a number of role plays and simulations, and units for attorneys to use in classroom settings. CRF, like LFS, engages in teacher training on a nationwide basis.

The National Street Law Institute functions out of the Georgetown University Law School. The published materials developed by this project, *Street Law,* are intended for twelfth-grade students. These are used in some schools by teachers, in others by law students, occasionally by both. The content of *Street Law* focuses primarily on the criminal and civil justice systems although students are also provided with opportunities to consider civil rights issues. Staff members at *Street Law* typically have both legal and educational credentials.

The Place of Law-Related Education in the General Curriculum. Law-related education does not have an institutionalized status in the general curriculum as does, for example, civics, history, or government. The one-semester and one-year courses are taught on an elective basis. More typical is a six- or nine-week "mini-unit." Some legal education materials are intended to be used in other classes to enrich the course study. The extent to which these materials are finding a place in American schools is difficult to ascertain.

We know that there are approximately 400 pieces of commercial and project-generated material. In addition, there are materials developed by school districts and individual teachers. There are also over 300 local law-related education programs.[9] Despite this level of effort and activity, it is still

estimated that little more than 15 percent of school-aged young persons receive meaningful education about *any* aspect of the law.[10] When we couple this statistic with the finding that most law programs focus on topics other than the Constitution or emphasize only the Bill of Rights, it seems safe to hypothesize that the majority of our students are graduating with no clear conception about the meaning of the historic document.

Citizenship Education Programs

Other non-traditional or supplementary programs that might logically be expected to focus upon the Constitution are those that try to reach a broad range of citizenship goals. There are literally hundreds of programs of this nature, many of which use sophisticated models for teaching students how to solve problems, make decisions, or evaluate governmental and social policies. Other programs teach such skills as questioning, information gathering, classifying, comparing and contrasting, inferring, hypothesizing, and even intuiting—all of the intellectual skills important for citizens to attain. Unfortunately, in only two of the programs we found was this sort of skill development explicitly linked to constitutional content.

Another group of citizenship education programs emphasizes the ethical aspects of citizenship. Many of these use materials based on the theories of Lawrence Kohlberg, who believes that moral development is a cognitive process with higher and lower stages, the higher being more desirable and ethical. The teaching strategies which Kohlberg proposes for helping students attain the higher levels can be operationalized in political education by confronting students with civic dilemmas and asking them to choose and debate solutions with their peers.[11] Again, we found that none of the programs based on a values orientation featured enough explicit references to the Constitution to be considered in this analysis. It should be noted, however, that one of the two skill-oriented citizenship programs also contains lessons that are designed to push students toward "constitutional" thought—one of Kohlberg's higher cognitive levels.

Perhaps the most significant finding that has emerged from our appraisal of citizenship education materials is that although there are literally hundreds of programs and curricula, only two focus upon the Constitution at all. And it is probable that very few students are exposed to either of these programs. Again, we do not wish to imply that the citizenship programs are inherently deficient. Many seek to achieve good and important objectives. But it should not be assumed that these programs are contributing to significant constitutional understandings.

Citizenship Education Programs. Of the two programs mentioned above, the Catnegie-Mellon Citizenship Education Program is by far the more ambitious. It combines a three-year sequence of social studies and English instruction with a participatory governance structure within the classroom. Like the law-related education programs, the intent of the Carnegie-Mellon Project is not only to teach about the constitution, but also to help students acquire participatory skills, intellectual skills, an understanding of democratic values, and a high level of self-esteem in order to enhance their ability to protect their own rights and interests.

Implementation of the Carnegie-Mellon Program requires the restructuring of the social studies and English curriculum of a school for a three-year period and poses scheduling problems related to the participatory governance structure. Both teachers and administrators must go through extensive inservice training, and there are few educators who are capable of providing such instruction. In short, the program is difficult to implement and even harder to institutionalize.

The second citizenship education project of interest to our inquiry is run by the Institute for Political and Legal Education. IPLE provides inservice training and has prepared materials that are supplementary in nature and are used primarily to enrich ongoing courses. Many of the units feature typical law-related education content—juvenile justice, individual rights, fair trial versus free press, and so on. They consequently have the same advantages and disadvantages as do those discussed in the section on law-related education. There are units, however, that treat such topics as voter education and governmental decision making. Explicit linkages are made to the constitutional principles of popular sovereignty and separation of powers.

IPLE has also prepared materials that are intended to teach the skills of participation. Students are taught, for example, how to lobby, how to conduct public meetings, and how to debate issues. The focus is upon the skill and not upon the content. Thus, constitutional tpics are not often addressed. In this regard, the project is similar to many of the projects that will be discussed in the next section.

Student Participation or Community Involvement Programs

This approach to citizenship education evolved partially in response to widespread criticism of school practices that emphasize verbal discussion about, but in isolation from, the "real" world. It is also a reaction to the traditional idea that political education has to do with training students to do something in the future—when they are adult citizens.

The concept of getting students out into the community where they can learn to "participate by participation" militates against these programs, militates dealing in a deliberate way with constitutional topics. The substantive content is usually structured by the nature of "what is going on in the community." Furthermore, many of the proponents of student action and community involvement define the "good" citizen as one who, in addition to being knowledgeable about and skilled in various political processes, acts decently, knows and cares about the affairs of the community, and demonstrates concern through overt action;[12] this makes it problematic that it will be either convenient or useful for most to teach explicitly about the federal Constitution.

The CloseUp Project. There is at least one student participation program, however, that provides explicit instruction about the Constitution in some of its materials; this program, run by the CloseUp Foundation, has already reached about 100,000 students. The major goal of CloseUp is to provide a forum in which students can learn to better understand and to be better participants in government. One part of the program consists of a series of week-long seminars on government and politics conducted in Washington,

D.C. for secondary school students and their teachers from communities across the country. In these sessions students have opportunities to consider relationships between the branches of government, state and federal governing patterns, and authority configurations.

A second part of the CloseUp effort provides even more explicit instruction on the Constitution. The *Perspectives* curriculum package begins each chapter with an appropriate excerpt from the Constitution that bears upon that chapter, an approach that closely parallels the traditional treatment of the Constitution that characterizes many basal textbooks.

A relatively new endeavor may also have promise for improving secondary-level instruction in constitutional issues. CloseUp is fielding televised programs and is beginning to experiment with a closed-circuit TV format that permits students to address questions to Congressmen and other government officials. There is insufficient evidence available at this time to determine the extent to which constitutional issues will be explored.

Teacher Education

Universities, school districts, intermediate service centers, state departments of education, and a variety of government-funded projects offer courses, workshops, and summer institutes for teachers to improve the quality of pre-collegiate instruction. Some feature new materials or different ways to organize old materials. Others focus on strategies and teaching methodologies. However, it seems that teachers can find out how to teach about almost anything better—except the Constitution. We were able to identify only one teacher training opportunity that seems to include this topic in any organized or significant way.

Taft Seminars for Teachers. The goals of the Taft Institute of Government are strikingly similar to those of the CloseUp Foundation:

> to help Americans perform their responsibilities as citizens by promoting greater understanding of the meaning of America's free democratic society, the necessity of America's two-party system, the indispensable need for strong political parties, and the essential political role of individual citizens.[13]

The approach that is employed by the Institute and the targeted audience differ markedly from those of CloseUp, however. Rather than preparing materials or conducting direct learning opportunities for students, the Taft Institute arranges seminars for teachers which are "rigorous courses" in political science and politics conducted on college and university campuses. Although there is no specified preferred course of study, Taft requires that all participants read at least one volume on the Constitution. It seems reasonable to assume that this requirement greatly increases the probability that teachers will do a better job of teaching about the Constitution in their own classrooms.

Conclusions

John J. Patrick and Richard C. Remy have both noted certain flaws in the treatment afforded the Constitution in the civics, history, and American

government basal textbooks.[14] Remy has suggested that these weaknesses might be remedied through supplementary materials and instruction.[15]

Our analysis of the programs and materials that constitute this supplementary world leads us to conclude that the kinds of supplements that Remy seems to envision are not likely to be created by existing entities. None of the curricula, including those that have been developed by the law-related education projects, focuses exclusively on the Constitution and its themes; the intent of these materials is not to teach about the Constitution. Thus, none deals with the Constitution's pervasive role in our political system, nor are any necessarily useful in connecting constitutionally related topics or in making comparisons—deficiencies noted by Patrick and Remy in basal texts.

There is little in the non-traditional programs that deals with the content and development of the Constitution, the constitutional period 1776-1789, or the separation of powers and federalism. On the other hand, two other principles, judicial review and limited government, are more frequently treated. The materials focusing on judicial review, civil liberties, and civil rights could certainly be used to supplement more comprehensive treatments. However, total reliance upon only these aspects of the Constitution might leave students with a distorted and skewed understanding of the document.

There is, however, one advantage in using these existing programs to enhance what is typically found in the textbooks: few are boring. Almost all include a range of strategies that involve students in their own learning. The case studies, hypotheticals, and examples tend to be meaningful and relevant to students. The instructional approaches should make any textbook more fun for kids.

Notes

1. James P. Shaver, O. L. Davis, Jr., and Suzanne W. Helburn. "The Status of Social Studies Education: Implications from Three NSF Studies," in *Social Education* (Vol. 43, No. 2, February, 1979), p. 151.
2. Karen B. Wiley. *The Status of Pre-College Science, Mathematics, and Social Science Education: 1955-1975,* Vol. 3 (Boulder, Colo.: Social Science Education Consortium, Inc., 1977), pp. 80-81.
3. Elsewhere in this volume, John J. Patrick has undertaken the assessment of history textbooks in the *Treatment of the Constitution in Secondary School American History Textbooks.* Richard C. Remy has prepared a similar study of civics and American government texts, *Treatment of the Constitution in Civics and Government Textbooks.*
4. These categories of topics were derived from those suggested by a panel of political scientists and historians surveyed by Project '87 of the American Political Science Association and the American Historical Association.
5. *Data Book of Social Studies Materials and Resources,* Vols. 1-6 (Boulder, Colo.: Social Science Education Consortium, Inc., 1971-1980).
6. Mary Jane Turner, *Handbook of Legal Education Materials* (Boulder, Colo.: Social Science Education Consortium, Inc., 1977).
7. *Ibid.,* pp. 2, 3. Other listings of the general objectives of law-related education can be found in "Final Report of the U.S. Office of Education Study Group on Law-Related Education," Washington, D.C.: U.S. Department of Health, Education, and Welfare, September 1, 1978; and Turner, *op. cit.*

8. Adapted from a typology developed by Turner, *op. cit.*, pp. x-xvii.
9. "The National OJJDP/Law-Related Education Program." Concept paper submitted to Office of Juvenile Justice and Delinquency Prevention by American Bar Association's Special Committee on Youth Education for Citizenship, The Children's Legal Rights Information and Training Program, Constitutional Rights Foundation, Law in a Free Society, National Street Institute, and Phi Alpha Delta, August 1980, p. 10.
10. *Ibid.*
11. Kohlberg has many detractors who do not agree that there is empirical evidence sufficient to validate his cognitive structure. Regardless of the merits of the debate, Kohlberg has presented an educational strategy that is used in citizenship education.
12. Dan Conrad and Diane Hedin. "Learning and Earning Citizenship Through Participation" in James P. Shaver, ed., *Building Rationales for Citizenship Education* (Arlington, Va.: National Council for the Social Studies, 1977), pp. 48-73.
13. Taft Institute of Government, promotional brochure, n.d.
14. Patrick and Remy, *op. cit.*
15. Remy, *op. cit.*, p. 2.

CONFERENCE RECOMMENDATIONS

A primary purpose of the conference on "Teaching the Constitution in American Schools" was to provide recommendations that, if widely implemented, could lead to improvements in such instruction. Therefore, in addition to plenary sessions focused on discussions of the seven papers reported earlier in this volume, the participants spent much of their time meeting in small groups of six to eight persons, generating answers to five preformulated questions that served to structure the recommendations. These questions were:

1. What should federal and state agencies do to encourage better instruction about the Constitution?
2. What should professional associations do to strengthen instruction about the Constitution?
3. What should teacher educators do to improve instruction about the Constitution?
4. What changes are needed in secondary school history, civics, and American government textbooks to improve treatments accorded the Constitution?
5. What should Project '87 do to improve teaching about the Constitution in American secondary schools?

Five discussion groups operated concurrently, each focusing on the same question during a particular point in the conference. Discussion leaders and rapporteurs were assigned to each group. The rapporteurs were asked to take notes and to summarize each group's discussion. At the close of each discussion period, they submitted their notes to one of the five discussion

leaders. Each discussion leader accepted responsibility for combining the notes from all of the groups, corresponding to one of the five questions, into a general report. These general reports, one for each of the five questions, were distributed prior to the final plenary session. At the final session, the discussion leaders spoke briefly, summarizing their written reports and pointing out important ideas that had received special attention in each of the discussion groups. In the ensuing discussion participants had the opportunity to correct or amplify points made in each of the reports.

Inevitably, certain points appeared in several of the reports, leading to redundancy. Other ideas did not fit neatly under any of the questions. For example, some noted that Project '87 should not limit its concern to secondary schools but should consider the entire range of schooling kindergarten through grade twelve. It was decided that general ideas of this kind might appear under a sixth heading: "General Recommendations."

The group made no attempt to reach consensus on each of the recommendations, nor did the participants try to rank them according to any order of importance. It is unlikely that every participant would agree wholeheartedly to each of the recommendations that follow, stated exactly in the form they now appear. Nevertheless, the ideas that appear here enjoyed substantial support from all of the conference participants.

General Recommendations

1. The bicentennial observance of the U.S. Constitution in 1987 will be an important event for all Americans for it signals two centuries of remarkable national growth and change under the authority of a stable yet flexible instrument of public authority. All American school children should understand and appreciate this landmark document and how its terms affect their daily lives.

2. Focusing attention on the Constitution—its importance and its meaning—is a task for many people and organizations. Government agencies, private enterprises, schools and colleges, professional associations, civic organizations and others should join together to use the bicentennial observance to renew the interest and faith of Americans in "government under law."

3. The President of the United States and Congress should take appropriate measures to draw public attention to the importance of the bicentennial observance of the U.S. Constitution. Widespread public interest will increase the attention schools give to this event.

4. The social studies have the principal responsibility for providing school instruction about the Constitution. While secondary school courses in American history, civics, and American government have traditionally carried the primary burden for such instruction, opportunities within social studies to teach about the Constitution or to reinforce constitutional principles exist from kindergarten through grade twelve. All schools—both private and public—should use the social studies curriculum to enhance student understanding and respect for the Constitution.

5. Improving social studies instruction about the Constitution requires moving across a broad front simultaneously. This includes: the preparation of

better textbooks and other instructional aids; improved pre-service and in-service teacher education; greater dissemination of instructional ideas, methods, approaches, and materials; further scholarly research; and more attention to the Constitution during the assessment of student knowledge and values. Those concerned with improving school instruction about the Constitution should attend to all of these functions.

Specific Recommendations

1. *What should federal and state agencies do to encourage better instruction about the Constitution?*

The Constitution assigns primary responsibility for public schools to the states which in turn delegate much of their authority to local school districts. Despite the considerable control exercised by local authorities, schools also are affected by decisions of federal as well as state agencies. Legislation, rules, regulations, and specialized funding at the state and federal level can encourage or impede school instruction about the Constitution. Following are recommendations for federal and state agencies that the participants believe would encourage instruction about the Constitution:

A. Federal agencies* should:

- Provide financial support for special pre-service and in-service training programs for teachers. These may include both academic-year and summer workshops for the in-service education of teachers and entirely new courses or topics within existing courses for those preparing to teach for the first time. Where possible, such training programs should gain the cooperation and participation of scholars from several disciplines, from school officials, and from relevant individuals in the community who do not hold academic positions.
- Encourage the establishment of a few continuing centers or institutes that will specialize in teaching about the Constitution and constitutional processes.
- Promote inter-agency cooperation leading to the dissemination of exemplary school programs. In particular, greater use should be made of the National Diffusion Network to bring exemplary programs about the Constitution to the attention of teachers and school officials.
- Provide grants and contracts to support the development of print and non-print instructional materials for grades kindergarten through grade twelve. This may lead to textbooks, audio-visual materials, and school television programs. Sourcebooks providing lessons about the Con-

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The term "federal agency" is used to refer to a great variety of departments, offices, bureaus, and foundations operated by the federal government, many of whom contribute to improvements in elementary and secondary education. Some of the ideas listed here fit current legislative authority of the Department of Education, others the National Endowment for the Humanities, the National Science Foundation, or others. Occasional overlaps and duplication of authority exist as well. We believe each of these jobs should be done. We leave it to others to sort out the appropriate agency.

stitution that might be included in existing courses are in particular demand.

- Disseminate information to school officials and others about existing legislation, regulations, and programs aimed at promoting school instruction about the Constitution.
- Build public awareness of the importance of teaching about the Constitution. Conferences, publications, media campaigns and other devices should be used to focus attention on the need to devote greater attention to the Constitution and constitutional processes.
- Provide grants to support research and evaluation on topics relating to instruction about the Constitution including: when and how students best acquire knowledge and attitudes relating to the Constitution, assessment of student knowledge and attitudes about the Constitution, and evaluation of the impact of instructional programs on student knowledge and attitudes.

B. State agencies should:

- Undertake activities that draw attention to the importance of teaching about the Constitution. Such activities might include:
  (1) Sponsoring conferences about the Constitution for teachers and school officials.
  (2) Encouraging teacher education institutions to provide teacher in-service education on teaching about the Constitution.
  (3) Publication of legislative resolutions and governor proclamations relating to the importance of citizen knowledge of the Constitution.
- Make certain that the Constitution is given adequate attention when developing social studies curriculum guides and criteria for the selection of social studies textbooks.
- Determine whether licensing procedures for certification of teachers provide for knowledge about the Constitution.
- Draw the attention of school officials to existing mandates and regulations relating to requirements that high school graduates must understand the Constitution.
- Encourage schools to revise existing American history and American government courses, in particular, so as to give adequate attention to the Constitution.

2. *What should professional associations do to strengthen instruction about the Constitution?*

Professional associations and other organizations relating to education have special opportunities to contribute to the improvement of instruction about the Constitution. Because professional associations have somewhat different constituencies, their programs will assume different forms. Some efforts might be jointly sponsored—e.g., calling upon Congress to establish a bicentennial commission on the Constitution; in other cases the products of efforts by one organization can be shared by others—e.g., the American Historical Association and the American Political Science Association might

prepare guidelines for treatment of the Constitution in high school American history and American government courses and these guidelines could be distributed to teachers through the auspices of the National Council for the Social Studies.

There are also general tasks that nearly every professional association can sponsor. While the exact form these programs should assume will vary depending upon the nature of the membership, nearly all organizations and associations should consider the following:

- Include articles on the bicentennial observance of the Constitution in newsletters and journals. Perhaps a special issue of the association's journal could be devoted to the bicentennial observance of the Constitution, including articles about special programs and activities relating to this theme and undertaken by association members.
- Include sessions on the Constitution during local, regional and national meetings of the association.
- Issue a position statement drawing attention to the importance of the bicentennial.
- Undertake special projects relating to the bicentennial.
- Encourage research and development among members on topics relating to the Constitution.

The conference participants also had suggestions for particular organizations and associations. In addition to the general ideas noted above, the participants believed that:

- The National Assessment for Educational Progress should include items about the Constitution in its social studies/citizenship assessments.
- The National Council for the Social Studies should assume a major responsibility for promoting instruction about the Constitution among social studies teachers. NCSS should disseminate information regarding instructional material on the Constitution and publish critical reviews of these materials in order that teachers can judge their appropriate use. NCSS should also encourage the in-service education of teachers, both through its own programs and those undertaken by others.
- The National Association of Elementary School Principals and the National Association of Secondary School Principals should recognize teachers who provide outstanding instruction about the Constitution, perhaps through student contests and prizes to particularly creative teachers.
- The American Educational Research Association should encourage research on such topics as the impact of school life on children's understanding of the "rule of law" and on their beliefs about civil liberties.
- The Association for Supervision and Curriculum Development should prepare guidelines and offer suggestions for ways that the Constitution and constitutional principles might become a greater part of the curriculum and extra-curricular program of elementary and secondary schools.

- The Council of Chief State School Officers should take responsibility for sharing state guidelines and curriculum guides pertaining to the Constitution among the 50 states.

3. *What should teacher educators do to improve instruction about the Constitution?*

Efforts to improve instruction about the Constitution in elementary and secondary schools can be enhanced by enlisting the participation of teacher educators. Typically, the term "teacher educator" is used to represent a professor in a department, college or school of education. But teacher training is seldom, if ever, limited to the education faculty. In the preparation of social studies teachers, for example, those preparing to teach take many more courses from historians, political scientists, sociologists, geographers or other representatives of the social sciences than they do from the education professor who teaches a course on the methods of teaching social studies.

Whether it is always fully understood or not, the education of teachers—especially secondary school social studies teachers—is a team effort, requiring the contributions of scholars from many fields. Closer cooperation among the various contributors would surely yield positive results in programs to prepare teachers. Most of the suggestions that follow are based on the premise that the responsibility for teacher education is shared and that the implementation of these ideas are not solely tasks for the education faculty.

A. Teacher educators need more knowledge about the Constitution and constitutional processes. "Short courses," workshops, and faculty seminars that bring political scientists, historians, and social studies specialists together should be organized for the purpose of exploring ideas about the Constitution. Such programs would ultimately have an impact on courses for teachers.

B. Teacher educators should conduct state-wide assessments of instruction about the Constitution in elementary and secondary schools, including the amount of time devoted to instruction about the Constitution, the capacity of teachers to provide sound instruction, student knowledge about the Constitution by the time of their graduation from high school, and the availability of resources to promote improvements in instruction about the Constitution.

C. Teacher educators should conduct self-assessments of existing programs to prepare social studies teachers. In particular, they should inquire whether those preparing to teach acquire:

- Substantive knowledge about the Constitution and constitutional processes in their American history and political science courses.
- Information about and practice in the use of instructional materials relating to the Constitution in their social studies methods courses.
- Knowledge of how the "hidden curriculum" of the school—i.e., the norms, rules, and regulations governing the school—affect attitudes about political life.
- An understanding of the relationship between abstract textbook knowledge of the Constitution and the daily lives of students.

D. Teacher educators should develop curriculum guides, prototype lessons, and kits of materials about the Constitution designed to establish a framework for a study of the Constitution and to supplement existing textbooks adopted and used in their state.

E. Teacher educators should offer in-service courses for teachers at times convenient for the clients. These may include evening or weekend courses, intensive summer institutes, and closed-circuit television courses. Whenever possible, teacher educators should draw upon people from the community whose particular experience seems relevant to an understanding of some aspect of the Constitution.

F. Teacher educators should take advantage of professional meetings to report to colleagues on their efforts to improve teacher education about the Constitution and to demonstrate to teachers some of the materials and techniques they have found to be successful.

4. *What changes are needed in secondary school history, civics, and American government textbooks to improve treatments accorded the Constitution?*

The conference participants had many suggestions for textbook improvements, but their ideas were not limited solely to the textbooks. They also formulated recommendations concerning textbook adoption processes, textbook reviews, the production of ancillary materials, and educational technology more generally.

The first set of recommendations listed below under heading A describe specific changes that conference participants thought should be made in textbooks. Matters of more general concern follow these under B, C and D.

A. Textbooks in history, civics, and American government vary among themselves. Thus, some books already embody the traits described below while others do not. Moreover, some of the suggestions fit history books better than American government books or vice-versa. Nevertheless, the following are suggestions that authors and editors should have in mind as they publish secondary school history, civics, and American government textbooks. Textbooks should:

- Draw explicit links between the Constitution, principles underlying the Constitution, and the implementation of the Constitution through governmental and political practice.
- Provide studies of key constitutional issues and court cases. When court cases are used, dissenting opinions as well as majority opinions should be included.
- Include role-play exercises and other activities that encourage students to interpret the Constitution and its principles, checking their interpretations later with actual judicial opinions.
- Cite current instances impacting on the lives of students in which the Constitution is relevant and important.
- Avoid treating events as discrete and unconnected. When presenting a current constitutional issue, it is important to show its development over time and its relationship to previous cases and constitutional interpretations.

- Attempt to personalize, to humanize, people who have played key roles in history.
- Avoid dull, prosaic narratives. Textbooks should convey the drama of events, highlighting controversial issues and disputes.
- Emphasize conceptual learning whenever possible and provide opportunities for students to develop critical thinking skills and to grow in their capacity to deal with values.
- Provide attractive illustrations and photographs to enhance the appeal of textbooks to students.
- Provide more explanations of why things happened as they did.

B. Textbook publishers should assist textbook adoption committees by providing analyses of how their books address the Constitution and constitutional processes. These analyses may be linked to guidelines for treatment of the Constitution to be prepared by Project '87.

C. Publishers should provide teacher guides to accompany the student text or annotated student textbooks with additional material for teachers. Teacher guides should offer suggestions for ways to strengthen instruction about the Constitution, provide substantive information beyond that contained in the student text, and indicate resources available to teachers that can supplement the student textbook. Publishers should also consider the publication of periodic newsletters to be sent to teacher-adopters that can provide new information and interpretation to topics treated in the texts.

D. Textbooks cannot carry the full responsibility for providing instruction about the Constitution. Educators should become aware of the instructional advantages afforded by some of the new technology, including computer-assisted instruction, video discs and video tape, and cable TV which has the capacity to bring on-going events directly into the classroom.

5. *What should Project '87 do to improve teaching about the Constitution in American secondary schools?*

One reason Project '87 sponsored the Bloomington conference was to gain an opportunity to secure advice from a group of experts regarding the priorities Project '87 shoulld establish for itself in serving secondary education. The conference participants offered a wide-range of missions, programs, and tasks that they urged Project '87 to adopt. To undertake all the proposals would exceed available resources, require more time and staff than are available, and transform the nature of Project '87's organization. Yet, the ideas were worthy and deserve attention. Since the participants did not assign them priority, they are not listed below in any order of priority. Rather they should be viewed as desirable undertakings for Project '87 to consider as its resources permit. Each would contribute, in one degree or another, to improving instruction about the Constitution in American secondary schools.

A. *Project '87 should serve as a national coordinator or clearinghouse for teaching about the Constitution in American secondary schools.*

Few of the conference participants were aware of Project '87 prior to receiving invitations to the Bloomington conference. They came primarily

because they recognized the need to devote greater attention to instruction about the Constitution. By the close of the conference the participants had concluded that some national effort was needed and that Project '87 was the logical vehicle to mobilize attention on the bicentennial observance of the Constitution in American secondary schools. Clearly, Project '87 will have to work through many other organizations and groups in order to have an impact on schools, but it is the only organization that exists primarily to further knowledge about the Constitution.

The lack of information about Project '87 by the participants prior to the conference is easily understood. Project '87 is a relatively new organization, and this was its first venture into secondary education. The participants believed that visibility would quickly grow as its activities expanded, but they urged the Project '87 staff to prepare materials that could be widely distributed and that would make clear its goals and purposes. Educators are beset with interest groups calling upon schools to advance one cause or another. To overcome the resistance this experience has produced, Project '87 needs to make certain that educators understand its educational, non-partisan intentions. Such documents should also make clear why better understanding of the Constitution is so important at this particular time in our history.

The conference participants pointed out that a national coordinating or clearinghouse function might assume many dimensions. Here are some that were given particular emphasis. Project '87 should:

- Establish a "blue ribbon" panel to decide which Constitutional topics are of greatest importance and how they should be incorporated into the existing school curriculum. The results of this effort would be a set of guidelines that could be used by publishers in planning new textbooks and revising existing ones. Textbook adoption committees could employ the guidelines in the process of screening textbooks. Teachers and curriculum directors could employ such guidelines in planning course syllabi and establishing courses of study.
- Produce and disseminate a teacher's sourcebook on teaching about the Constitution that is designed to support existing courses in civics, American history, and American government. Until textbooks have been substantially revised, teachers must find ways to supplement their textbooks. A teacher's sourcebook, containing lessons and activities on the Constitution and designed to fit easily into existing courses, can meet an immediate need.
- Provide a continuing service to teachers and school officials requesting assistance. The service might include a speakers bureau organized by states, critical reviews of textbooks and other instructional materials, a periodic newsletter to bring teachers up-to-date with activities and resources relating to instruction about the Constitution, and an "800" number that teachers might call for information and advice.
- Arouse interest in other professional associations and organizations for instruction about the Constitution. For example, Project '87 might convene the heads of professional associations to discuss ways of calling attention to the bicentennial. It might call a meeting of textbook

publishers to explore ways of strengthening textbook treatments of the Constitution.

- Encourage improvements in teacher education by disseminating information about promising practices in pre-service and in-service teacher education and drawing attention to conferences and publications that may hold special appeal to teacher educators.

B. *Project '87 should undertake various public relations chores designed to encourage instruction about the Constitution.*

Improvement of school instruction about the Constitution depends in part upon public support for such instruction. Therefore, Project '87 also needs to work across a broad front in the effort to build a proper support network for instruction about the Constitution. Following are some suggestions offered by the conference participants. Project '87 should:

- Establish a public relations program that provides articles, news releases, and television spots for the media that will build public awareness and support for promoting knowledge about the Constitution.
- Call upon Congress and the President to draw attention to the importance of teaching about the Constitution. A congressional resolution and/or a presidential proclamation could contribute importantly to awakening public interest.
- Work closely with professional organizations within each of the 50 states, leading to state bicentennial commissions, operating perhaps in conjunction with state departments of public instruction.
- Meet with federal agency heads and foundation executives to encourage financial support for curriculum development, teacher education, and dissemination of promising practices relating to instruction about the Constitution.

C. *Project '87 should devote special attention to the role television might serve to promote instruction about the Constitution.*

Television is the ubiquitous American teacher. Project '87 should explore the various ways television can be used to advance knowledge of the Constitution and constitutional processes. Some of the ideas the participants explored were:

- Project '87 should cooperate with such groups as the Agency for Instructional Television to provide new and improved programs on the Constitution that will reach students directly in their classrooms.
- Project '87 should explore opportunities to work with television producers to develop programs on the Constitution designed for use on public television.
- Project '87 should seek to arouse the interests of producers for programs on the Constitution that might be broadcast during prime time on commercial channels.
- Project '87 should explore the feasibility of using television for pre-service and in-service teacher education. Cable networks offer interesting possibilities. An example of imaginative cable use is the cooperation between C-Span and CloseUp to provide "live" coverage

of Congress and Washington interviews directly to school classrooms nationwide.

Conclusion

The recommendations printed above represent the principal ideas offered by the conference participants and embraced by the majority of those attending the meeting. They do not, however, exhaust the possibilities. The task of focusing attention on the Constitution and improving instruction about it will require the talent and energy of many people, working individually and in groups. These ideas, however comprehensive and extensive they may appear, should be seen as a "starter list" for work to be done.

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